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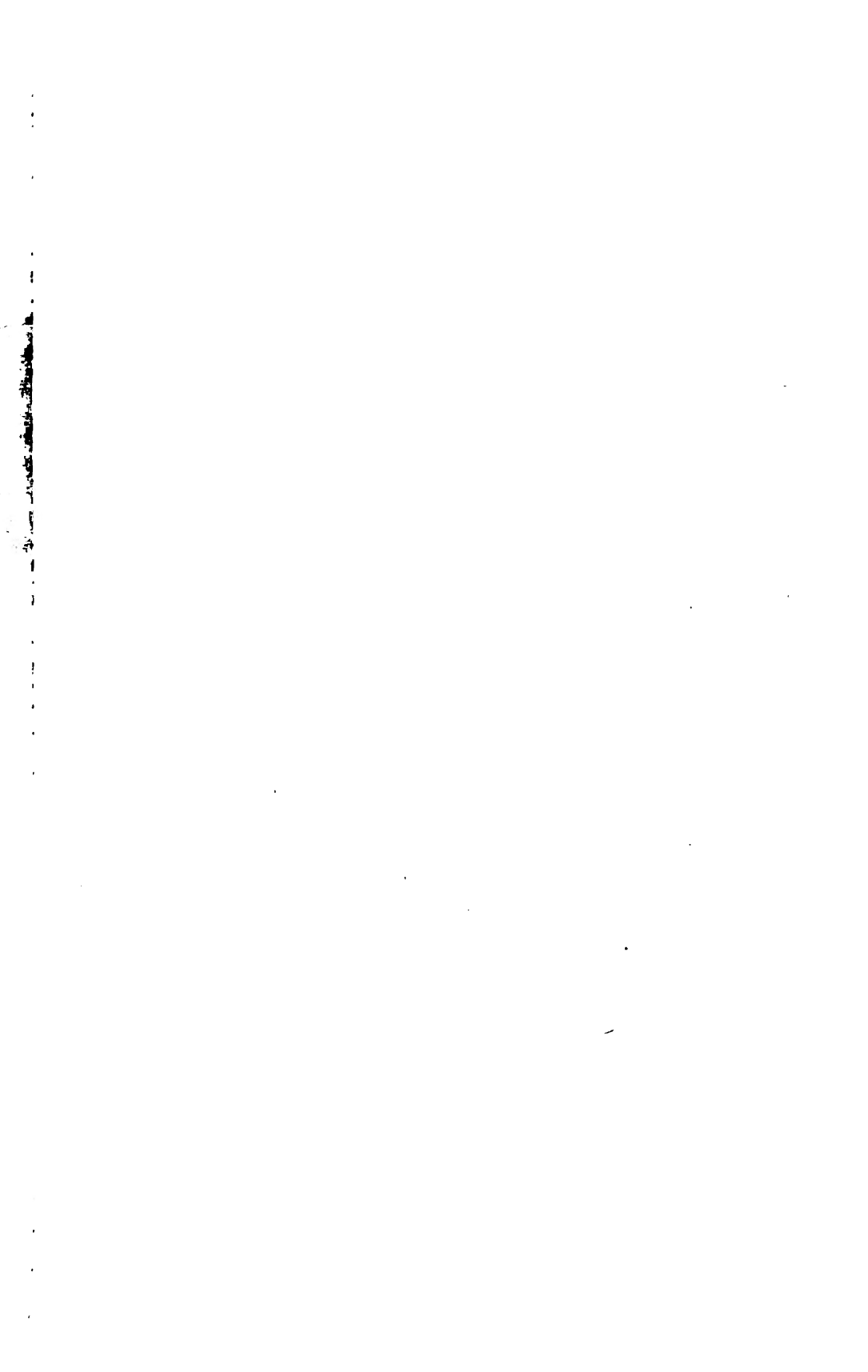






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Texas. Laws, statutes and Ordinances

THE  
LAWS OF TEXAS

1822-1897

*Austin's Colonization Law and Contract; Mexican Constitution of 1824; Federal Colonization Law; Colonization Laws of Coahuila and Texas; Colonization Law of State of Tamaulipas; Fredonian Declaration of Independence; Laws and Decrees, with Constitution of Coahuila and Texas; San Felipe Convention; Journals of the Consultation; Proceedings of the General Council; Goliad Declaration of Independence; Journals of the Convention at Washington; Ordinances and Decrees of the Consultation; Declaration of Independence; Constitution of the Republic; Laws, General and Special, of the Republic; Annexation Resolution of the United States; Ratification of the same by Texas; Constitution of the United States; Constitutions of the State of Texas, with all the Laws, General and Special, passed thereunder, including Ordinances, Decrees, and Resolutions, with the Constitution of the Confederate States and the Reconstruction Acts of Congress.*

COMPILED AND ARRANGED BY  
H. P. N. GAMMEL  
OF AUSTIN.

WITH AN INTRODUCTION BY C. W. RAINES.

VOLUME IX.

AUSTIN:  
THE GAMMEL BOOK COMPANY.  
1898



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*See June 19, 1900.*

# **SPECIAL LAWS**

**OF**

# **THE STATE OF TEXAS**

**PASSED AT THE**

**REGULAR SESSION OF THE SIXTEENTH LEGISLATURE**

**CONVENED**

**AT THE CITY OF AUSTIN**

**JANUARY 14TH, 1879, AND ADJOURNED APRIL 24TH, 1879.**

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**BY AUTHORITY.**

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**GALVESTON  
1879**

*Rec. June 19, 1900*

## SPECIAL LAWS OF TEXAS.

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CHAPTER I.—An act to legalize the sale of real estate which belonged to Stephens county, in and near the town of Breckenridge, Stephens county, Texas.

Whereas, Judge E. L. Walker, who was appointed by the proper authority as commissioner to sell the real estate which belonged to Stephens county, located in and around the town of Breckenridge, did sell a portion of said lots and lands at private sale; and whereas, the general law of the state requires that all such sales be made at public auction; and whereas, it is deemed proper and expedient that every doubt as to the legality of the sale be removed; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That all sales, transfers and conveyances of all lots, tracts or parcels of land in and near Breckenridge, in said county of Stephens, made by the said E. L. Walker, as commissioner for the sale of said real estate, be and the same are hereby legalized and declared to be as legal and valid as if they had been made in strict conformity to law.

Sec. 2. That the county clerk of Stephens county be and he is hereby authorized to record a certified copy of this act in the books kept in his office for the record of deeds.

Sec. 3. The great importance to the citizens of Breckenridge and vicinity that the titles to all of said real estate be at once settled, and the clouds on the titles of purchasers from the commissioner be removed, creates an imperative public necessity and emergency that this act take effect and be in force from and after its passage, and it is so enacted.

Approved February 24, A. D. 1879.

Takes effect ninety days after adjournment.

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CHAPTER II.—An act to amend section seventeen of "an act to incorporate the Gulf, Colorado and Santa Fe railway company, and to grant land in aid of the construction of the same," passed March 28, 1873.

Section 1. Be it enacted by the Legislature of the State of Texas, That section seventeen of the above recited act shall be amended so as to hereafter read as follows:

Section 17. That the organization of this company shall be perfected within six months from date of the passage of this act, and eighty miles

of their said railroad shall be completed by the first day of March, 1880, and fifty miles each year thereafter or this charter shall be forfeited as to that portion not built.

Approved March 8, A. D. 1879.

Takes effect ninety days after adjournment.

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CHAPTER III.—An act to authorize the county of Galveston to sell the shares of the capital stock of the Gulf, Colorado and Santa Fe railway company owned by said county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the commissioners' court of Galveston county be and the same is hereby authorized and empowered to sell the shares of the capital stock of the Gulf, Colorado and Santa Fe railway company now owned by Galveston county, at public sale, at such times and places, in such manner as the said commissioners' court may deem for the best interest of said county and the inhabitants thereof; provided, that all sales of said stock shall be made at the door of the courthouse of Galveston county, in parcels of not more than five shares, to the highest bidder for cash; provided further, that the commissioners' court of Galveston county may sell said stock at private sale to such citizens of Galveston county and upon such terms as they may deem best for the interest of the county; but in case of private sale said commissioners' court shall require the purchaser or purchasers thereof to enter into a bond, payable to the county of Galveston, in any sum not less than two hundred thousand dollars, conditioned that such purchaser or purchasers shall construct, equip and put in running order a railroad from the present terminus (at Richmond) of the Gulf, Colorado and Santa Fe railway to Belton, Bell county, within the time required by the provisions of the charter of said railway company.

Sec. 2. All money received from the sale of said stock shall be used in the purchase and redemption of the Galveston county Gulf, Colorado and Santa Fe railway stock bonds.

Sec. 3. That the commissioners' court of Galveston county shall have power to pass all orders necessary to carry out and give effect to the provisions of this act.

Sec. 4. Whereas, the Gulf, Colorado and Santa Fe railway company owes a large debt which is secured by a deed of trust under which all the property and franchises of said railway company is liable to be sold, and its stock thereby rendered valueless to said county, and an emergency exists that this act take effect from its passage; therefore, this act shall take effect and be in force from and after its passage.

Approved March 8, A. D. 1879.

Takes effect from and after its passage.

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CHAPTER IV.—An act to authorize the mayor and board of aldermen of the town of Waxahachie to transfer its stock in the Waxahachie Tap railroad.

Section 1. Be it enacted by the Legislature of the State of Texas, That the mayor and board of aldermen of the town of Waxahachie, in the state aforesaid, at a regular meeting of said board, be and are hereby

authorized and empowered to sell and transfer upon such terms and in such mode as to them may seem best for the interest of said town and the citizens thereof, all interest owned by said town as stock or right thereto, as well as all interest or right in or to shares of stock in the capital stock of the Waxahachie Tap railroad company.

Sec. 2. Whereas, a necessity exists for the immediate sale and transfer of the stock mentioned in the preceding section to advance the interests of said town, it is hereby declared to be a case of emergency, and that this act take effect and be in force from and after its passage.

Approved March 11, A. D. 1879.

Takes effect from and after its passage.

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CHAPTER V.—An act to repeal an act entitled “an act to authorize and require all forced sales of real estate and sales of negroes made by executors and administrators in the county of Travis, to be made on Congress avenue, at the southeast corner of Block No. 70,” approved November 28, 1857.

Section 1. Be it enacted by the Legislature of the State of Texas, That the above recited act be and the same is hereby repealed.

Approved March 13, A. D. 1879.

Takes effect ninety days after adjournment.

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CHAPTER VI.—An act to incorporate the Grand Lodge of Ancient Free and Accepted Masons, in and for the State of Texas, under and by the name and style of the Grand Lodge of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Ancient, Free and Accepted Masons in and for the State of Texas, now or hereafter acting under the jurisdiction of the Grand Lodge of Texas, be and are hereby incorporated under and by the name and style of “The Grand Lodge of Texas,” and by that name shall have and exercise corporate powers, and by that name shall have perpetual succession of officers and members; shall have a common seal, which may be changed at the pleasure of the Grand Lodge; shall have full power to take and acquire, hold and enjoy real and personal property; to sue for and recover all sum or sums of money or property of any description, and shall have the right to sell, alien and convey its property of all kinds, at its will and pleasure, and to incumber by mortgage with usual clauses, or such clauses as it pleases, any or all of its property in such manner as may be deemed expedient by the Grand Lodge, and shall in like manner have the right to borrow money and to execute its obligations therefor in such form as may be prescribed by the Grand Lodge, or that may be approved by said Grand Lodge when obligations have already issued by the said Grand Lodge.

Sec. 2. That all subordinate lodges heretofore chartered by the Grand Lodge of Texas, and now existing, and all lodges which may hereafter be chartered by said Grand Lodge, shall constitute and form parts and parcels of the Grand Lodge incorporated by this act, under the name or



names by which such subordinate lodges were or may be chartered; and such subordinate lodges shall have the right to sue and be sued by their corporate name, and shall have the right to acquire and hold real or personal property, and to sell or mortgage the same, but the power to sell or mortgage shall be subject to such conditions or prerequisites as may be from time to time established by said Grand Lodge, and no sale or mortgage shall be made except by the previously obtained consent of the Grand Lodge. Such subordinate lodges shall at all times be subject to the jurisdiction and control of said Grand Lodge, and subject, as heretofore, to have their charters revoked by said Grand Lodge. Upon the demise of any subordinate lodge, all property and rights existing in such lodge shall pass to and vest in the Grand Lodge, subject in its hands to the payment of all debts due by such subordinate lodge, but the Grand Lodge shall never be liable for any sum greater than the actual cash value of the effects of such subordinate lodge actually received by it or its authority.

Sec. 3. This act is declared to be a public general statute and shall as such be taken notice of by all courts and in all places.

Sec. 4. The charter under which the Grand Lodge of Texas is now acting being defective, creates an imperative public necessity and emergency which requires that this act should be immediately passed, and to take effect and be in force from and after its passage, and it is so enacted.

Approved March 19, A. D. 1879.

Takes effect from and after its passage.

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## CHAPTER VII.—An act to amend section two of the charter of the corporation of Victoria, and to provide for certain changes caused thereby.

Section 1. Be it enacted by the Legislature of the State of Texas, That section two of the present charter of the corporation of Victoria be, and is hereby so amended as hereafter to read as follows:

"Section 2. That the bounds and limits of said town, and within which said corporation shall exercise lawful jurisdiction, shall include and comprehend the territory embraced within the metes and bounds now laid out and designated as the town proper of said town, and continued within one mile square so known and designated as the town proper of the town of Victoria; provided, that all streets, alleys, roads or highways, as heretofore laid out or established within the territory relieved from the jurisdiction of the said corporation under this act, are declared to be so set apart for public use, and shall remain forever as so established; and provided further, that all lots or parcels of lots of land or subdivisions of the same which at the time of the passage of this act did belong to the said corporation of the town of Victoria, situated in said territory cut off under this act from the jurisdiction of the aforesaid corporation, shall remain the property of the said corporation of Victoria; and provided further, that all taxes due prior to January 1, 1879, to said corporation from any person or property within the territory cut off from the jurisdiction as aforesaid, shall exist as claims against said persons or property, and due to said corporation, and subject to collection as provided by the laws regulating the assessment and collection of taxes."

Approved March 19, A. D. 1879.

Takes effect ninety days after adjournment.

**CHAPTER VIII.**—An act authorizing and requiring the commissioner of the general land office to issue patents to certain lands granted to the Bayland Orphans' Home, situated on Galveston bay, Harris county, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the commissioner of the general land office be authorized and required to issue patents to the Bayland Orphans' Home, situated on Galveston bay, Harris county, Texas, to the amount of forty-eight thousand six hundred and thirty-five acres donated to said Bayland Orphans' Home by the act of the Legislature of 1873, in accordance with the field notes and plats of the subdivisions of such lands now on file in the general land office.

Sec. 2. That so much of the act of the Legislature of 1873 as requires the patenting of said lands to said Bayland Orphans' Home in tracts of three hundred and twenty acres each be and the same is hereby repealed.

Sec. 3. Whereas, it is indispensable that this act take effect immediately to prevent the dissolution of the Bayland Orphans' Home, an emergency exists, this act shall go into effect immediately after its passage; owing to the fact that this session of the Legislature is near its close, there is an imperative public necessity requiring the reading of this bill for three several days be dispensed with.

Approved March 20, A. D. 1879.

Takes effect from and after its passage.

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**CHAPTER IX.**—An act for the relief of Mrs. M. A. C. Wilson, widow of William F. Wilson.

Section 1. Be it enacted by the Legislature of the State of Texas, That headright land certificate number one thousand and forty-six, second class, for six hundred and forty acres, granted and issued to William F. Wilson, December 6, 1838, be and the same is hereby approved as a valid and subsisting claim against the state, and that the commissioner of the general land office do issue a patent thereupon when the same shall have been located, as for an unconditional certificate.

Sec. 2. That bounty land warrant number five thousand and thirty-one, for six hundred and forty acres of land, issued September 6, 1838, be and is hereby approved as a valid and subsisting claim against the state, and that the commissioner of the general land office do issue a patent thereupon whenever the same shall have been located.

Approved March 22, A. D. 1879.

Takes effect ninety days after adjournment.

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**CHAPTER X.**—An act for the relief of the heirs of Alexander S. Green, deceased, late of Brazoria county, State of Texas; and Matthew Dockery, now a citizen of Lavaca county, State of Texas.

Whereas, Alexander S. Green immigrated to the State of Texas in the year 1835, and served in the army of Texas nine months, from the first day of October, 1836, to the thirtieth day of June, 1837, for which he received a bounty land warrant, which is on file in the general land office,

and did thereafter remain a good and law-abiding citizen of the Republic of Texas up to the time of his death, and did never receive the headright to which he was entitled by the laws of the Republic of Texas; now therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the commissioner of the general land office is hereby authorized and required to issue to the heirs of Alexander S. Green, deceased, a headright certificate for six hundred and forty acres of land, to which he was entitled by the laws of the Republic of Texas;

And, whereas, Matthew Dockery, now a citizen of Lavaca county, State of Texas, immigrated to the State of Texas about the month of February, in the year 1837, and has continued to reside in the State of Texas ever since; that at the time of his immigration he was a single man, over the age of twenty-one years; that he married in the State of Texas, on the fourteenth day of June, 1838; that, under the laws of Texas in force at the time of his immigration, he was entitled as a single man to six hundred and forty acres of land, and also under the laws in force at the date of his marriage, he was entitled to six hundred and forty acres of land as a married man, making in all twelve hundred and eighty acres; that he has never received any land from the State of Texas, either as a headright or any other way, or any certificate therefor, or authorized any other person to receive any land or land certificate for him; therefore,

Sec. 2. Be it enacted by the Legislature of the State of Texas, That the commissioner of the general land office is hereby authorized and required to issue to the said Matthew Dockery his headright certificate for twelve hundred and eighty acres of land, to which he was entitled by the laws of the Republic of Texas; said certificate to be located upon any of the unappropriated public domain of the State of Texas, subject to all the laws now in force in reference to the location of such certificate.

Approved March 22, A. D. 1879.

Takes effect ninety days after adjournment.

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## CHAPTER XI.—An act for the relief of the Aransas Road company.

Whereas, It appears that the Aransas Road company has operated under its charter in good faith, with large outlay and with great misfortunes and without any remuneration, and that it still proposes to progress in important portions of its work, especially in making roads and improving navigable channels through the southern part of Aransas bay, within Aransas county; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That said company shall continue to have its rights obtained by sections one, two and three of "an act supplemental to an act to incorporate the Aransas Road company," dated September 1, 1856, for accomplishing works heretofore authorized by said company's charter on specified terms, to the extent of the following provisions:

Sec. 2. Said company may improve the navigability of the ship channel on Aransas bar, and between this bar and the Corpus Christi mud flats, by deepening the present channel, or by making a new one, in any part, of greater depth; and may connect said ship channel with the mainland at any places on the western shore of Aransas bay, by one road or

more; and may by such and other means reclaim from overflow any lands subject thereto that may be connected with any such road.

Sec. 3. For such improvements the company shall have rights as follows: 1st—Of way and of stations, within the bay on public lands, whether covered by water or not. 2d—Of property in any flats, shallows, reefs and islands connected with or near to any such road, between the mainland and the main gulf, exclusive of the large islands bordering the latter, and of a small island called the "Shell Bank;" and for such a road other than a railroad substantially made from proper elevation on the mainland, through the bay, with a wharf so as to afford eligible facility for transportation between the mainland and shipping, the company may perfect its title to such lands by location, survey and patent, on any valid land claim in the usual mode, within the distance of one mile from such road; and in case such road shall be a good and substantial railroad, with suitable iron or steel railing, made from proper elevations on the mainland through the bay, with a wharf so as to afford eligible facility for transportation between the mainland and shipping, the company may perfect its title to such lands, by survey and patent without any other claim, within the distance of two miles from such railroad.

Sec. 4. For the improvement of said ship channel the company may close Cedar Bayou, which is not navigable, so as to prevent the flow of water through it; and so may close all the unnavigable channels between Aransas and Corpus Christi bays.

Sec. 5. The company may demand and receive reasonable rates of compensation for the use of any such road or wharf; but the rates shall be subject to regulations by the Legislature at any time.

Sec. 6. Within two years from the date when this act shall become effective, the work to be done under it shall be commenced in a practical way, and then so prosecuted that one road and one wharf shall be in good condition for ordinary use as above provided for, within five years from said date.

Sec. 7. The company shall continue to have its rights heretofore granted and remaining unrepealed, so far as necessary and proper for using the rights above specified; provided, that its capital stock shall be limited to its original amount of one million of dollars; and that the company's acceptance of this act by a statement of its president, filed in the office of the secretary of state, or by proceeding under it, shall be a disclaimer of all provisions of its charter not properly applicable to the rights above specified.

Sec. 8. The great importance of early progress in the improvements contemplated by the company under this act in connection with, and in a way to assure the largest benefits from proposed improvements by the United States government in the navigation of Aransas bay, creates an emergency and an imperative public necessity that the company shall have such guaranty as will justify the immediate prosecution of its enterprise; therefore this act shall take effect and be in force from and after its passage.

Approved March 26, A. D. 1879.

Takes effect from and after its passage.

CHAPTER XII.—An act to declare valid and binding on the county of Wilson certain sales of lots and blocks of the town of Floresville, in said county.

Section 1. Be it enacted by the Legislature of the State of Texas, That all sales of lots and blocks belonging to the county of Wilson, situated in and a part of the town of Floresville in said county, made at private sale by any commissioner or agent heretofore appointed by the proper authorities of said county, for which said lots or blocks the said county has received payment, be and are hereby made and declared valid and binding on said county.

Approved March 26, A. D. 1879.

Takes effect ninety days after adjournment.

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CHAPTER XIII.—An act authorizing the commissioner of the general land office to approve the bounty land certificate issued to the heirs of William Fishbaugh, deceased, who fell at the Alamo.

Section 1. Be it enacted by the Legislature of the State of Texas, That the commissioner of the general land office be and he is hereby authorized to approve the bounty land certificate for nineteen hundred and twenty acres, issued to the heirs of William Fishbaugh, deceased, who fell at the Alamo.

Approved April 3, A. D. 1879.

Takes effect ninety days after adjournment.

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CHAPTER XIV.—An act for the relief of the heirs of Captain Silas Dinsmore, deceased.

Whereas, Silas Dinsmore, late a citizen of Matagorda county, was appointed and commissioned as captain in the navy of the Republic of Texas on the thirtieth day of March, 1836, by David G. Burnet, president of said republic; and,

Whereas, the said Dinsmore was not employed or engaged in the navy service of the said republic, because there were no ships belonging to said republic; and,

Whereas, the said Silas Dinsmore took an active and zealous part in the struggle for Texas independence, and served continuously as a soldier in the land service of Texas during the whole of the war, in 1835 and 1836, and that by his exposure as a soldier under orders, in defense of Galveston island, in 1836, he contracted a disease of his lungs which resulted in his death; and,

Whereas, the said Silas Dinsmore was rightfully entitled to a bounty warrant for twelve hundred and eighty acres of land for the above mentioned services by virtue of the act of the congress of the republic, approved December 4, 1837; and,

Whereas, no such certificate or warrant has ever been granted to him or his heirs; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the commissioner of the general land office is hereby authorized and required to issue to the heirs of Silas Dinsmore, deceased, a bounty land

certificate for twelve hundred and eighty acres of land for his services as a soldier in the years 1835 and 1836, to be located upon any of the unappropriated public domain of the State of Texas, subject to all the laws now in force in reference to the location of such certificates.

Approved April 7, A. D. 1879.

Takes effect ninety days after adjournment.

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CHAPTER XV.—An act to grant to Jackson Doyle a headright of six hundred and forty acres of land.

Section 1. Be it enacted by the Legislature of the State of Texas, That Jackson Doyle be and is hereby granted a certificate for six hundred and forty acres of land, as an emigrant to Texas before the first day of January, A. D. 1840.

Sec. 2. That the commissioner of the general land office be and is hereby required to issue to Jackson Doyle a certificate for six hundred and forty acres of land, which may be located upon any unappropriated domain of the state.

Sec. 3. The fact that the session is drawing to a close and accumulation of business creates an imperative public necessity that the rule should be suspended requiring this bill to be read on three several days, and it is so ordered.

Approved April 14, A. D. 1879.

Takes effect ninety days after adjournment.

---

CHAPTER XVI.—An act granting further time to the Corpus Christi, San Diego and Rio Grande Narrow Gauge railroad company.

Whereas, The port of Corpus Christi was closed during the summer of 1878, by quarantine and the subsequent shoaling of water on Aransas bar has made navigation impossible since that time; and

Whereas, the Corpus Christi, San Diego and Rio Grande Narrow Gauge railroad company have thereby been delayed in the receipt of material for the completion of the last ten miles of the fifty of their road required by law to be constructed by March 13, 1879.

Section 1. Be it enacted by the Legislature of the State of Texas, That the time in which said company is now required by law to construct their railroad, or any section thereof, is hereby extended and enlarged for an additional two years.

Sec. 2. That as a matter of vital general interest an imperative public necessity exists for the passage of this act, it shall therefore take effect and be in force from and after its passage.

Approved April 14, A. D. 1879.

Takes effect from and after its passage.

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CHAPTER XVII.—An act for the relief of Joseph Fenner.

Section 1. Be it enacted by the Legislature of the State of Texas, That the commissioner of the general land office be and he is hereby authorized and required to issue to Joseph Fenner a bounty warrant for



twelve hundred and eighty acres, and a donation warrant for six hundred and forty acres of land, being the quantity to which the said Fenner is entitled as a soldier of the Texas army in 1836, under Col. J. W. Fannin, at Goliad, which may be located, surveyed and patented in the same manner as other certificates.

Sec. 2. That this act take effect from and after its passage.

Approved April 17, A. D. 1879.

Takes effect ninety days after adjournment.

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CHAPTER XVIII.—An act to amend “an act to incorporate the city of San Antonio, and grant a new charter to said city,” and to repeal “an act to incorporate the city of San Antonio,” approved July 17, 1856, and “an act to amend the act to incorporate the city of San Antonio,” approved February 11, 1860, approved August 13, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas, That sections five, twenty-four, forty-three and forty-five of “an act to incorporate the city of San Antonio, and grant a new charter to said city,” and to repeal an act entitled “an act to incorporate the city of San Antonio,” approved July 17, 1856, and an act entitled “an act to amend the act to incorporate the city of San Antonio,” approved February 11, 1860, approved August 13, 1870, be so amended as hereafter to read as follows:

“Sec. 5. That on the second Monday in January of each alternate year, beginning with the year 1881, a mayor, recorder, city councilmen, a city collector, and street commissioner shall be voted for, and the returns for such election for mayor and other officers shall be made in the same manner as hereinafter provided.

“Sec. 24. At the first meeting of the city council after the promulgation of the result of the election for mayor and other offices, the city council shall, upon the nomination by the mayor, proceed to elect one treasurer, one engineer, one city attorney, one city physician, one city clerk, one assessor, one or more market-masters, one or more water commissioners, a marshal and one or more assistant marshals, and such police and other officers as they may deem necessary for the proper administration of the city government, and for the interest of the city. They may provide by ordinance for the suspension or removal of officers elected by the people or appointed by the council for malfeasance or incompetency in office or other cause, and shall fill vacancies as they may occur; provided, such vacancies occur less than nine months before the expiration of the respective terms of office of parties vacating.

“Sec. 43. To incur debts and to borrow money on the credit of the city and issue bonds therefor to an amount not to exceed ten thousand dollars during any one year. To make a loan or incur an indebtedness exceeding ten thousand dollars in any one year, the question must be submitted to the legal voters of the city, and if sustained by a vote of two-thirds of the vote polled, such indebtedness or loan shall be lawful. All bonds shall specify for what purpose they were issued, and they shall not be invalid if sold for less than their par value, and when any bonds are issued by the city, a fund shall be provided to pay the interest and two per cent. per annum on the principal as a sinking fund to redeem

the bonds, which fund shall not be diverted or drawn for any other purpose, and the city treasurer shall honor no draft drawn on said fund except to pay interest or to redeem the bonds for which it was provided, and for the payment of each loan, to levy a special tax over and above the general tax allowed by this act; provided, the rate of tax shall not exceed one-half of one per cent. and the rate of interest paid shall not exceed ten per cent.; provided, also, no loan shall be made or indebtedness incurred for any other purpose or purposes than those connected with the corporation of the city of San Antonio, and no loan shall be made or indebtedness incurred to aid any private enterprise, railroad or undertaking not under the management and control of the city council. The sinking fund for the redemption of any bonds or the payment of any loan or debt, shall be invested as fast as the same accumulates in United States interest bearing bonds, bonds of the State of Texas, or bonds of the city of San Antonio, and such bonds, and the interest of such bonds, shall be invested in like securities and shall be sold when necessary to pay the debts or loans or to redeem the bonds for which the sinking fund was accumulated.

"Sec. 45. To appropriate money and to provide for the payment of debts and expenses of the city. But the bonded or other indebtedness of the city shall not be increased more than ten thousand dollars in any one year unless authorized by a vote of the people of said city as hereinbefore provided."

Sec. 2. The near approach of the end of the session, and the want of a proper law upon this subject, creates an imperative public necessity and emergency that the rules be suspended and that this act take effect from its passage, and it is so enacted.

Approved April 18, A. D. 1879.

Takes effect from and after its passage.

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CHAPTER XIX.—An act granting to Mrs. Florence Whitis, executrix, the right to make a change in Laurel street, in the city of Austin.

Whereas, The estate of C. W. Whitis owns lots numbers 11, 12 and 13, and all land out of out lot 15, division D, on the south side of Laurel street, city of Austin, therefore, upon the petition of the said Mrs. F. Whitis, executrix, and of proof made that the same has been advertised as required by law;

Section 1. Be it enacted by the Legislature of the State of Texas, That Mrs. Florence Whitis, executrix of the will of C. W. Whitis, deceased, be authorized to change the course of Laurel street as shown by the government survey and plot of the city of Austin, lying between out lots numbers 11, 12 and 13 on the north, and out lot number 15, on the south of said street, all in division D, city of Austin, as follows: Beginning the change at the west of said Laurel street where it leaves the northwest corner of out lot number 15, division D, and running thence nearly east at right angles to the street running across the west end of said Laurel street to the west line of out lot number 10 in division D; thence nearly south with said west line of said out lot number 10, till it falls into the street now running nearly north between out lots numbers 15 and 17, division D, on the west of said street, and out lots numbers 7, 8 and 9, division D, on the east of said street.

Sec. 2. The right of the state to the land embraced in the limits of said discontinued street as herein set forth is hereby granted to the estate of the said C. W. Whitis, and made a part of out lot 15, division D; provided, that the said Mrs. Florence Whitis, executrix aforesaid, shall have the proposed new street laid off at least sixty feet wide, and shall cause within sixty days after the passage of this act, a correct plot of the changes herein authorized to be made, and deposit the same with the clerk of the county court of Travis county for record; and provided further, that said Mrs. Whitis, executrix aforesaid, shall, within the same time, execute a deed to the land embraced in the limits of the new street as herein designated, to the city of Austin, for public purposes and uses forever, and file the same with the county clerk of Travis county for record; and provided further, that this act shall in no way impair the vested rights of other persons.

Sec. 3. The late period in the session at which this bill receives action, and the convenience of the public and owners of adjacent property, which will be subserved by the passage of this act, creates a public necessity for the suspension of the rule which requires this act to be read on three several days.

Approved April 18, A. D. 1879.

Takes effect ninety days after adjournment.

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## CHAPTER XX.—An act to authorize the Austin Canal, Irrigation and Manufacturing company to construct a dam across the Colorado river.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Austin Canal, Irrigation and Manufacturing company, incorporated under a general law of the state, and their associates, successors and assigns be and they are hereby authorized to construct and keep up a dam across the Colorado river at any point above the city of Austin on said river and within ten miles of said city, selected by said company, and to divert so much of the water of said river as may be required by said company for their purposes into a canal to be constructed by them; provided, that said company and their successors, should said river become navigable from the city of Austin and above said dam, by vessels propelled by steam, shall construct and keep for use a lock in said dam for the passage of such vessels; and provided further, that there shall be constructed and kept in good order by said company a fish-ladder or other ways sufficient to enable fish to pass from below and above said dam; provided, that should said company fail to construct said dam within two years from the passage of this act, then the privilege herein granted shall cease; and provided further, that no acquisition of the right of way herein granted shall avail unless said company shall commence said canal in two years from this date and finish the same in three years thereafter, nor shall this act prevent any person or company from building a manufactory or manufactories, or using the waters of said river at any time.

Sec. 2. Said company shall be authorized and empowered to acquire the right of way and the land necessary therefor in the same manner and under the same regulations as provided by law for the acquisition of the right of way by railroad companies in this state.

Sec. 3. Said company shall provide the means of returning all the water diverted into their canal from the Colorado river and not consumed or absorbed in use for irrigating purposes, to the natural channel of said river, at a point not further than one mile below the mouth of Shoal creek, at the city of Austin.

Sec. 4. Whereas, the present session of [the] Legislature is near adjournment, with a large number of bills of a public nature pending, there is an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days; and it is therefore enacted that said rule is hereby suspended.

Approved April 19, A. D. 1879.

Takes effect ninety days after adjournment.

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CHAPTER XXI.—An act amendatory of and supplemental to an act entitled "an act to consolidate in one act and amend the several acts incorporating the city of Houston, in Harris county," approved January 23, 1874, and the several acts amendatory thereof.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the inhabitants of the city of Houston shall be a body corporate, by the name of the mayor, aldermen and inhabitants of the city of Houston, and by that name they shall be known in law and shall be capable of suing and being sued, and defending in all courts, and in all matters whatever; may have a common seal, and may alter and change the same at pleasure; may hold and convey any estate, real or personal, for the use of said corporation, within the city limits; provided, that said corporation may hold real estate outside of the limits of said city, for cemetery, powder house, pest house and work house purposes.

Sec. 2. That the bounds and limits of said corporation shall be three miles square, to be run with the cardinal points of the compass, of which the centre of the court house square in the city of Houston shall be the centre.

Sec. 3. That the city council may divide the city into a convenient number of wards, not exceeding eight, and define and establish the boundaries thereof, and may change the same from time to time as may be deemed expedient, having regard for the number of inhabitants, so that each ward shall contain, as near as may be, the same number of qualified electors for city elections.

Sec. 4. That the administration of the business affairs of said corporation shall be conducted by a mayor and board of aldermen, who shall compose the city council.

Sec. 5. All qualified electors of the state, who shall have resided for six months immediately preceding the election within the limits of said city, shall have the right to vote for mayor, and all other elective officers of said city; but in all elections to determine the expenditure of money or assumption of debt, only those shall be qualified to vote who pay taxes on property in said city.

Sec. 6. That the mayor shall be elected by the qualified voters of the city, and shall hold his office for the term of two years, and until his successor is elected and qualified. No person shall be mayor unless he is a qualified elector of the city. He shall be a conservator of the peace throughout the city. He shall have power

by and with the consent of the city council to appoint any number of policemen on any special occasion that he may deem necessary to preserve the peace of the city, and to discharge the same at pleasure. He shall have power, in case of necessity, to call out the militia, or any military company in the city, to aid in the suppression of any riot or public disturbance. He shall be active and vigilant in enforcing all laws and ordinances for the government of the city; and he shall cause all the subordinate officers to be dealt with promptly for any neglect or violation of duty. He shall preside at all meetings of the council, when present; and, in case of a tie vote in the board of aldermen, he shall give the casting vote. He shall have power to veto any resolution, by-law, ordinance, motion or order passed by the council in the following manner: He shall give notice of his veto at the same meeting in which said action was had, which shall be entered upon the minutes; at the next regular meeting he shall furnish to the council his reasons in writing, and unless the council shall pass such law, ordinance, etc., over his veto by a vote of two-thirds of the aldermen present, taken by "yeas and nays," and entered upon the journal of the council, the same shall be inoperative. He shall have and exercise such powers and authority as may be conferred by the city council not inconsistent with the general purposes and provisions of this charter.

Sec. 7. That each ward in the city shall be represented in the council by two aldermen, elected by the qualified voters of each ward, who shall vote only in their respective wards. No person shall be an alderman unless he is a qualified elector of the city, and a bona fide resident of the ward for which he is elected.

Sec. 8. That regular meetings of the city council shall be held in the council chamber, at least twice in each month, at such times as may be fixed by resolution of the board, and the mayor of his own motion may call special meetings for the transaction of special business, by written notices served personally upon each member of the board, or left at his usual place of abode. Any three members of the board may in like manner call special meetings of the council; but no special meeting shall be called except in cases of urgent necessity, and the written notices served upon the members of the board shall state the object and purpose for which the meeting is called. General business shall only be transacted at the regular meetings. The city council may adjourn from day to day until the business properly coming before it is disposed of.

Sec. 9. That a majority of the whole number of aldermen elected and qualified shall be required to constitute a quorum, but any four aldermen may convene and compel the attendance of absent members on any day of regular meetings, requiring the city marshal or other police officer to arrest and bring in the absent members.

Sec. 10. That the city council shall adopt rules and regulations for the government of the council in its proceedings, and the order for the transaction of business before it. It shall be the judge of the qualifications and election of the members of the council, including the mayor. It may punish members or other persons during the sittings of the council for disorderly conduct, to the extent that it may fine and imprison by its by-laws and ordinances, and with the affirmative vote of two-thirds of the whole number of aldermen elected and qualified. The council may remove any officer of the city for any conduct or offense, which, in the opinion of the council, expressed by the two-thirds vote, as aforesaid, shall render him unfit to hold his office, but no officer shall be removed

until he shall have had the opportunity of being heard by himself or counsel, or both.

Sec. 11. That the meetings of the council shall be held with open doors, except when, by a vote of two-thirds of the members present, it may be deemed expedient upon a special question to deliberate with closed doors.

Sec. 12. That whenever it shall be necessary so to do, the board of aldermen shall by ballot elect a member of their own body to act for a designated period as mayor pro tempore, who, for the time, shall have and exercise all the powers and authority of the mayor.

Sec. 13. That in case of a vacancy occurring in any office elective by the qualified voters of the city, the council shall order an election to fill the vacancy upon giving ten days' notice thereof, which election shall be held and conducted in the same manner, and under the same rules and regulations prescribed for the holding of the general elections in the city.

Sec. 14. That there shall be a secretary and treasurer, city marshal and assessor and collector of taxes who shall hold their respective offices for two years, and until their successors are duly qualified. The secretary and treasurer shall be nominated by the mayor and confirmed by a majority of all the aldermen elected and qualified, taken by ballot. The city marshal and assessor and collector of taxes shall be elected by the qualified voters of the city.

Sec. 15. That the office of city recorder is hereby abolished, and the duties of the same are devolved upon the mayor, who shall have jurisdiction within the limits of the corporation, with power to hear and determine all cases of violation of the ordinances of the city council, which shall be prosecuted in the name, and in behalf of the mayor, aldermen and inhabitants of the city of Houston; and for the proper exercise of such jurisdiction the mayor shall have power and authority to issue process; to preserve order and punish for contempt committed in the presence of his court; to administer oaths and affirmations, to summon witnesses, either in the city or from any part of Harris county, and compel their attendance, but process beyond the city limits shall be directed to and executed by the sheriff or some constable for the county; to summon jurors and compel their attendance. The mayor's court shall be opened daily, and the accused shall have a speedy trial. The law of the state regulating practice and procedure in courts of justice of the peace shall be the rule of practice and procedure in the mayor's court. In the absence, sickness, or inability of the mayor to act and hold his court, the mayor's court may be held by the mayor pro tempore, [who] shall have the same jurisdiction, power and authority of the mayor. The salary and fees of the mayor's court may be determined by the city council. He shall make report to the council from time to time as required, and shall do and perform such duties properly appertaining to the office, as may be prescribed by the city council.

Sec. 16. That the secretary and treasurer shall attend the city council at its meetings. He shall have the custody of all the laws and ordinances of the city. He shall have the custody of the common seal of the corporation, and shall only affix the same to the obligations of the city, by order of the city council. He shall keep a regular and correct journal of the proceedings of the council, in well bound record books. He shall be the treasurer and have the custody of all moneys and valuable papers, records and archives of the city. He shall receive all moneys and revenues coming into the city treasury, and pay the same out by order of the council. He shall keep the money and funds of the



city on deposit in some bank in the city of Houston. He shall keep the accounts of the city in well bound books, and the books and records of his office shall be opened to the inspection of any citizen upon request, at any reasonable and proper time. He shall prepare and publish in one or more newspapers, printed in the city of Houston, an accurate and detailed statement and account of the receipts and disbursements of the revenues of the city; the outstanding obligations and liabilities of the city, and the condition of the city treasury, which statement shall be prepared and made up to the first Monday of December of each year, and published on or before the fifteenth day of December; and it shall be the duty of the city council to require this statement so to be made and published; and should the said statement not be made in the manner and at the time provided, the secretary and treasurer shall be liable to a fine of one thousand dollars, to be recovered in the district court of Harris county at the suit of the city attorney for and in behalf of the mayor, aldermen and inhabitants of the city of Houston; and the securities of the city secretary and treasurer on his official bond shall be liable for the amount of such fine; and judgment nisi shall be entered against them at the same time with the principal, to be made final upon a return of a writ of scire facias; and the city council may prescribe such other duties to be performed by the secretary and treasurer, concerning the administration of his office as may be deemed advisable.

**Sec. 17.** That the city marshal shall be the chief police officer of the city under the mayor. He shall attend all regular and special meetings of the council. He shall attend upon the mayor's court, and shall promptly execute and return all process issued from said court. He shall be active in quelling riots, disorders and disturbances of the peace within the limits of said city, and shall take in custody all persons so offending against the peace of the community. He shall arrest all offenders against the ordinances of the city for offenses committed in his presence, and shall have authority to take bail for their appearance before the mayor; and, in default of giving which, he shall commit them to the city prison for safe keeping until they can be brought before the mayor for trial. He shall have authority to appoint one deputy, for whose acts and conduct he shall be responsible; and such deputy shall have all the power and authority of the marshal. He shall perform such other duties, and shall be invested with such other power, rights and authority as the city council may by ordinance confer, not inconsistent with the constitution and laws of the state.

**Sec. 18.** That the assessor and collector shall assess and collect all licenses and taxes levied and imposed by the city council, and shall pay the same over to the secretary and treasurer weekly on the Saturday of each week, taking duplicate receipts therefor, one of which he shall retain, and the other he shall return to the council (or the proper committee appointed by the council to receive the same) with his report in detail showing the several amounts received and by whom paid, which report shall be made to the first meeting of the council in each month. He shall be governed by the rules and regulations hereinafter prescribed in relation to the assessment and collection of licenses and taxes imposed by the city council, and shall do and perform such other acts and duties concerning the administration of his office as may be prescribed by the city council.

**Sec. 19.** That the officers named in this charter shall perform the duties prescribed by this act, and such other duties as may be prescribed

by ordinance; and there shall be such other officers, servants and agents of the corporation as may be provided by ordinance, to be appointed by the mayor with the approval of a majority of all the aldermen elected and qualified, who shall perform such duties and receive such compensation as may be prescribed by ordinance. The council may require any officer or agent of said city as it may deem proper to give good and sufficient bond with approved security for the faithful performance of his duties in such sum as it may prescribe.

Sec. 20. That bonds shall be required of the city assessor and collector and of the city secretary and treasurer in an amount not less than double the amount of the funds which may probably be in their hands at any one time, to be determined by the council, which bond shall be upon such conditions as may be determined by the city council, and with good securities to be approved by the city council, and the city shall in like manner require bonds of any officer or agent of the city, through whose hands the money of the city may pass.

Sec. 21. That the by-laws and ordinances of the city shall be enforced by fine not exceeding one hundred dollars, or by imprisonment not exceeding thirty days; and the council may provide by ordinances that fines may be commuted by labor in a work house or in the public works; and execution may issue against the goods and chattels, lands and tenements of the offender.

Sec. 22. That the salaries and fees of officers of said city shall be determined by the city council at least one month previous to their election, which salaries and fees, when so determined, shall not be raised nor lowered during the period for which said officers were elected.

Sec. 23. That the city council shall have power and authority to determine the dimensions, and provide for grading, paving, repairing or otherwise improving the streets or sidewalks, or any parts or portions thereof within the limits of the city, and to make provisions for the payment of the cost and expense thereof, in whole or in part, by the levy, assessment and collection of a tax upon the lot or lots fronting thereon, which assessment shall be a charge against the owner of said lot or lots, as well as a charge upon the property itself, which may be collected and enforced in any court of competent jurisdiction; provided, that the powers herein conferred shall be exercised only upon the petition of the owner or owners, or their legal representatives, of seventy-five per cent. of the property of the block or blocks fronting on each side of the street or streets proposed to be paved, and to maintain the cleanliness of the city; to secure the safety and convenience of passing in the streets, sidewalks and other places in the city; to fix the squaring and to prevent encroachments and obstructions on the streets, sidewalks, squares, ways, levees and public roads and places to fix the place for anchoring all water crafts on Buffalo bayou; to establish an active system of inspection over the conduct of persons and premises; to prevent cattle, horses, swine, goats, geese and animals from running at large in the streets; to establish and maintain city police, prescribe the duties of policemen and regulate their conduct; to provide for lighting the streets, and for this purpose may establish gas works for the manufacture of gas for the use of the city, and the inhabitants thereof at cost price; to determine in what part of the city slaughter houses, bone boilers, soap makers, or other establishments for any business, which is or may be injurious to the value of adjacent property, or unwholesome or disagreeable to the occupant of adjacent property, shall not be allowed to be erected; to

determine in what part of the city wooden buildings shall not be erected—within the limits prescribed no person shall be permitted to erect such buildings; to prevent gunpowder, or other explosive material, kerosine oil, or other inflammable oils, being stored within the city limits, in such quantity as to endanger the safety of the adjacent property; to provide means for the protection and extinguishment of conflagrations, and for the regulation, maintenance and support of a fire department; to permit or forbid theatres, balls, or other public amusements, and to suppress the same whenever the preservation of order, tranquility or public safety may require; to close dram shops, drinking saloons, and other places where intoxicating liquors are sold whenever necessary or expedient; to define what shall be deemed nuisances in said city, and to abate them by summary proceedings; to provide a work house for vagabonds and disorderly persons who are unable to pay fines, and make regulations concerning the same; to regulate weights and measures in the city, affix penalties for violation, fix standards, etc.; also that the city council may provide, own and maintain water works for the use of the city and its inhabitants; to provide and keep a city prison; to make all needful and proper regulations concerning bakers, butchers, keepers of taverns, grog shops and other public houses, draymen, horse drivers, water carriers, omnibus drivers, hack drivers, and drivers of baggage wagons, and especially to preserve order and prevent noise and confusion in and about the several depots on the arrival and departure of railway trains; to prevent extortion by carriers of passengers or baggage, hacks, drays and all public conveyances, by establishing maximum rate of charges; to direct and control the laying and construction of railroad tracks, turn-outs and switches, and to require that the[y] be constructed and laid so as to interfere as little as possible with the ordinary travel and use of streets; to require railroad companies to keep the streets through which they run in repair, and to light the same whenever deemed necessary; to construct and keep in repair bridges and crossings at the intersection of streets and avenues, and over all ditches, sewers and culverts on the line of the railway; to regulate the speed of engines and locomotives within said city; to control and regulate everything concerning street railways, and generally to make and establish all rules, regulations, by-laws and ordinances which may contribute to and promote the better administration of the affairs of said city, as well as for the maintenance of the peace, tranquility and safety of said city, and for the protection of persons and property of its inhabitants, the city council of the city of Houston are hereby empowered and authorized to take and condemn land and real estate in said city to the public use, viz: for streets, alleys and public highways for extending, straightening and widening those streets now in use; for public wharves and landing places; for steamers and other water crafts, and for public squares, parks and pleasure grounds. For the condemnation of any land or real estate, the following proceedings shall be had: The city attorney, or attorneys employed by said city for that purpose, shall file a petition in the district court of Harris county against the owner of the land or real estate sought to be condemned for any of the purposes aforesaid, setting forth: first, the name or names and residence of the owner or owners, if known, and if unknown, the same shall be stated; second, the description by metes and bounds of any actual survey, had for that purpose, of the land or real estate sought to be condemned; third, the purposes for which the same is proposed to be taken and applied; fourth, the supposed value of the property to be

condemned; fifth, the prayer that the same be condemned to the public use for the purposes stated, and upon the filing of such petition, like proceedings shall be had thereon as in other civil suits, and when personal service cannot be had by reason of the defendant being a non-resident or unknown, service by publication shall be made as provided in other cases in the district court, and upon trial the court shall proceed to render judgment, condemning the land to public use, upon the payment of the value thereof as assessed by the jury, and upon any suit being brought thereafter against the said corporation for such property so condemned, a copy of the judgment and an actual tender of the money in court shall be sufficient answer in bar of a recovery in any such suit. All costs of proceedings for the condemnation of land and real estate under this act shall be taxed against the plaintiff, including reasonable fees of the attorney which the court shall appoint to represent the defendant when cited by publication.

Sec. 24. That the council shall have power and authority to establish one or more markets and market places, and within reasonable hours, not later than ten o'clock daily, to prevent the sale of fresh meats, game, fresh fish, poultry, eggs, vegetables and such country produce as is usually sold in markets at any place in said city other than said markets and market places so established, and to collect market licenses and privileges; to rent and lease for such length of time as the city council may determine, not exceeding one year, stalls or stands in said market for the sale of the before-mentioned articles, and to regulate and fix the prices at which the said stands or stalls shall be rented, and to provide for prompt collection of rent of the same and to pay all expenses of collection thereof, and for properly caring for and keeping in repair the market building and for pavement of streets fronting on and adjacent thereto, and for insurance of the same and its contents, and such care, paving, insurance and general keeping of said market houses shall be paid for out of the revenues collected out of said market house.

Sec. 25. That the market and market privileges of said city may be let and farmed out annually to the highest bidder at public outcry at the market house, after ten days notice of the time, place and terms shall have been published in one of the city papers, and two copies posted in conspicuous places in said market house. The city council shall, before the day of letting fix upon the minimum sum at which the market and market privileges may be leased for the ensuing year and publish the same in the public notices required to be given as herein prescribed, and all bids below the amount named shall be rejected. At least five days before the day advertised for the letting, the mayor shall cause to be prepared the contract required to be signed by the lessees, and the same shall not in any manner be changed or modified within the five days previous to the letting, and said contract so prepared shall be open at the mayor's office to the inspection of all parties who may desire to see it. A good bond and securities to be approved by the city council shall be required of the lessees, and new and additional securities may be required at any time under penalty of forfeiture of contract.

Sec. 26. That the city council may appropriate to such use and purposes as may be deemed advisable, such halls and rooms in the upper story of the market house as may not be necessary for the public use and to lease and rent the same, from time to time, in the discretion of the council.

Sec. 27. That the city council shall have power to construct wharves

on the banks of Buffalo bayou within the limits of the corporation, and make such other improvements as may be necessary for the better navigation of said bayou and for the convenience of landing vessels and their cargoes, and to levy contributions upon all vessels and their cargoes as may land at said wharves, and to demand and collect the same, to defray the expenses of such improvements and repairs.

Sec. 28. That whenever any steamboat or other craft shall sink in the Buffalo bayou above Harrisburg and the navigation be obstructed thereby, it shall be the duty of the mayor of the city of Houston to appoint three good and discreet commissioners to inspect and examine the same and its condition and immediately to report in writing their opinion, stating whether in their opinion the boat or craft sunk can be or is likely to be raised or removed within the space of ten days after their examination; and should they be of opinion that such boat or craft is not likely to be raised so as to open the navigation within twenty days from the time of their examination, then and in that case the mayor and aldermen of the city of Houston may order the removal of such boat or craft so sunk in any manner they shall deem proper, without incurring any penalty for the same.

Sec. 29. That said corporation of the city of Houston is hereby given full power and authority to take such steps to preserve and improve the navigation of the said Buffalo bayou above the town of Harrisburg as they may think proper; and for that purpose they are authorized to levy and collect a tax on all steamboats and other crafts running in said bayou to the city of Houston for the purpose of improving navigation thereof; provided, that the power in this section shall not be construed to give said corporation any jurisdiction or control over said Buffalo bayou or the banks thereof in any manner beyond or without the corporate limits of said city, except for the purpose of protecting or improving the navigation of said bayou, and shall not give said corporation jurisdiction or control to prevent or interfere with the construction of any railroad or other bridges by any company or person across said bayou in such manner as not to interfere with the navigation of said bayou.

Sec. 30. That the city council, by a vote of the majority of the whole number of aldermen taken by "yeas and nays," and entered upon their journal, shall have power to assess, license and tax hawkers, peddlers, auctioneers, theatrical and other exhibitions, shows and amusements, billiard tables, nine and ten pin alleys, alleys with any number of pins, public drays, wagons, omnibuses and carriages, grog shops, tippling houses and dram shops, beer saloons (whether for the sale of domestic beers or otherwise), and such other trades or occupations not especially mentioned herein, as may be taxed by the laws of the state; but no assessment or license tax levied under this section shall exceed one-half the amount levied by the state for the same period on such profession or occupation, and the same may be regulated, levied and collected in the same manner as said taxes are regulated and collected by the state.

Sec. 31. That the city council shall have power, by ordinance, to annually levy, assess and collect taxes not exceeding two per cent. ad valorem upon all real and personal estate and property in the city, not exempt from taxation, and to determine when taxes shall be paid by corporations, and when by individual corporators, and to levy and collect from each male inhabitant of the city, over the age of twenty-one years, an annual poll tax of one dollar. All taxes on real estate shall be a lien

and charge upon the property, and it may be subjected to the payment of the same.

Sec. 32. That the license tax shall be collected by the assessor and collector of taxes, and shall be paid to that officer in current funds of the United States, by each and every person or firm owning such license and before engaging in any trade, profession, business calling, avocation or occupation subject to such tax, taking his receipt therefor, which receipt shall entitle him, her or them, to a corresponding license, to be issued by the mayor, and if any person shall engage in any business, calling, avocation or occupation, which, by an ordinance of said city, is subject to a license tax, without first having obtained such license, he, she or they shall be liable to arrest and imprisonment and a fine of ten dollars for each and every day such violation of said ordinance may continue; and this section shall apply to all persons owing license and failing to pay the same; and the city council may make such further regulations as it deems necessary to enforce the provisions of this section and punish the violation thereof.

Sec. 33. That the city council may and shall have full power to provide by ordinance for the prompt collection of all taxes levied, assessed and due, or becoming due to said city, and to that end may and shall make such rules and regulations and pass such ordinances as it shall deem necessary to the levying, laying, imposing, assessing and collecting of any of said taxes, and to regulate the mode and manner of making out tax-lists and inventories, and the appraisement of property therein; and to prescribe the oath that shall be administered to each person on such rendition of property, and to prescribe how and when property shall thus be rendered, and to fix the duties and define the powers of the assessor and collector of taxes, and adopt such measures as they may deem advisable to secure the assessment of all property in the limits of the city, and collect the taxes thereupon in current money of the United States, or otherwise, as herein provided, and may, by ordinance, provide that any person, firm or corporation having or controlling property in said city, subject to taxation, and failing and refusing to render a list, inventory and appraisement thereof, verified as may be required by any ordinance of said city, shall be liable to fine and imprisonment; that the city council shall appoint annually from its own members, at such time as it may determine, three appraisers, who shall be styled the board of appraisement, and whenever the party rendering the property for assessment and the assessor and collector cannot agree in the valuation of such property it shall be referred to said board, and their action in appraising the same shall be final; provided, that at the meeting of said board the owner of the property or party rendering the same shall have an opportunity of being heard. Said board shall also appraise all property assessed as unknown or unrendered, and shall receive such reasonable compensation for the services as the city council shall allow. The city council may, if it sees proper, adopt, as circumstances will permit, the same mode and manner of assessing and collecting taxes as may be prescribed by law for assessing [and] collecting state taxes; and all taxes due the city may be collected by an action of debt in any court having jurisdiction. The assessment rolls shall be taken as prima facie evidence of the statement made therein, and the city shall have the equal right to become the purchaser at all sales of property for taxes due it, made under judgments or otherwise. Nothing but current money of the United States shall be collected or received in payment of taxes and

licenses due or hereafter assessed, and scrip which may be issued for pavement of streets and constructing sidewalks, and for city waterworks, which shall express upon its face the purpose for which it is issued, and coupons and scrip made receivable for taxes on the face thereof shall be receivable for all taxes except the bond tax.

Sec. 34. That the said corporation shall not be liable to any person for damages for injuries caused from streets, ways, crossings, bridges or sidewalks being out of repair from gross negligence of said corporation unless the same shall have remained so for ten days after special notice in writing given to the mayor or street commissioner.

Sec. 35. That it shall not be necessary in any action, suit or proceeding in which the mayor, aldermen [or] inhabitants of the city of Houston shall be a party that any bond or security shall be required; but all actions, suits or proceedings shall be conducted as if such bond or security had been given. The property, real and personal, belonging to the city, shall not be liable to be sold under any writ of execution, nor shall the funds belonging to the city in the hands of any person, be liable to garnishment, nor shall the city or any of its officers or agents be required to answer to any writ of garnishment.

Sec. 36. That all cemetery lots which have been or may hereafter be laid out by said city or in any private cemetery grounds, together with all monuments or railings upon the same, shall with all their appurtenances forever be exempt from taxes, executions, attachments or forced sale, and the property of all churches, masons, odd fellows, or other charitable associations, used by them for places of meeting, both real and personal, bonds of the United States and bonds of the city of Houston, shall not be subject to tax under this act.

Sec. 37. That no person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant or freeholder in the city of Houston, in any action or proceeding in which said city may be a party interested, and all officers of said city shall be exempt from jury service while holding office.

Sec. 38. That the city council shall annually appoint, by ballot, one person from each ward of the city who, together with the mayor as president thereof, shall constitute a board of health of the city. The city council may appoint a health physician and as many health inspectors as they may deem necessary, and shall prescribe by ordinance the powers and duties of the board and its members; and the secretary of the city council shall be clerk of the board of health and shall keep a record of their proceedings.

Sec. 39. That the city council shall have power to take such measures as they deem effectual, to prevent the entrance of any pestilential, contagious or infectious diseases into the city, to stop, detain and examine for that purpose any person coming from any place infected or believed to be infected with such diseases; to establish, maintain and regulate pest houses or hospitals within the city, or not exceeding five miles from its bounds; to cause any person who shall be suspected of being infected with any disease to be sent to such pest house or hospital; to remove from the city or destroy any furniture, wearing apparel or property of any kind which shall be suspected of being tainted or infected with pestilence; to prevent persons from infected places coming into the city of Houston, and to adopt any sanitary measures whereby the health of the city may be protected and improved; but said corporation shall not have power or authority to prevent railroad trains and passengers therein.

from passing through said city, but may regulate the speed of such trains passing through and prevent their stopping.

Sec. 40. That all works of improvement and all public works for said city, exceeding the sum of five hundred dollars (\$500) in cash, shall be let out to the lowest or best bidder in the discretion of the council, by sealed proposals; and no contract shall be made or entered into until after the plans and specifications shall have been prepared and submitted to the council and approved by it, and afterwards published in at least four issues of some daily paper published in the city, inviting bids therefor, and stating the time when such sealed proposals will [be] opened. City printing, and all repairing of bridges or other similar work, of which it is manifestly impracticable to make specifications, are not included in this requirement. No bid shall be considered unless made in accordance with the plans and specifications so published, and no allowance for extra work shall ever be made or paid for. The sealed proposals shall be addressed to the city secretary and treasurer, and shall only be opened in the presence of the city council, at a regular meeting, and the bidders shall have the right to be present. Bond and security to be approved by the city council shall be required of all contractors. The taking of any contract or any interest therein, openly or secretly, directly or indirectly, by any officer of the city, shall ipso facto work a forfeiture of the contract and the consideration thereof, and shall vacate the office held by the party taking the same.

Sec. 41. The city council shall have power and authority to borrow money on the credit of the city, and issue bonds therefor to an amount not to exceed one hundred thousand dollars, during any one year; to create a debt during any one year exceeding one hundred thousand dollars, the question must be submitted to the taxpaying voters of the city, and if two-thirds of the votes polled shall be in favor of creating such debt, it shall be lawful for the city council to authorize the issuance of the bonds for the amount named in the resolution or ordinance submitting the question to the voters. No bonds shall be issued drawing a greater rate of interest than ten per cent. per annum, but shall not be invalid if sold for less than their par value. All bonds shall express upon their face for what purpose they were issued. When any bonds are authorized to be issued in the same ordinance, a fund shall be provided to pay the interest and two per centum per annum on the principal as a sinking fund to redeem the bonds; and the two per cent. sinking fund shall be invested in the bonds of the city, or in United States bonds. The appropriation made for the interest and sinking fund shall under no circumstances be diverted to any other purpose. The city council may make an appropriation from the general revenues in aid of public schools within the limits of the city by a vote of the majority of the whole number of aldermen elected.

Sec. 42. That the city council shall make all necessary regulations concerning elections and provide for officers to conduct the same, and for the examination and counting of the returns of elections.

Sec. 43. That the general election of the officers of the city shall take place on the first Monday in April, 1880, and every two years thereafter; and the present incumbents shall hold over until their successors, elected at the first election, shall qualify. No election of city officers shall be held on the day of state or county election.

Sec. 44. That an act entitled "An act to consolidate in one act and amend the several acts incorporating the city of Houston, in Harris



county, passed August 2, 1870," and all other acts relative to the incorporation of the city of Houston, in conflict with this act, be and the same are hereby repealed; but all property, actions, rights of action, claims and demands of every nature and kind whatever vested in said corporation under and by virtue of the said laws hereby repealed, shall vest in, and remain, and enure to the said corporation under this act as fully and completely, in all respects, as if the said laws had not been repealed; and all by-laws and resolutions and ordinances made and passed under or in pursuance of said laws hereby repealed, shall continue and remain in full force and effect until repealed by the proper authorities of said corporation.

Sec. 45. That this act shall be deemed a public act and judicial notice shall be taken thereof in all courts.

Sec. 46. Whereas, the end of the session is approaching, and the interest of the people of the city of Houston demand that this act should be passed at the present session of the Legislature, therefore an emergency exists, and an imperative public necessity demand that the constitutional rule requiring this bill to be read on three several days be suspended and this act take effect and be in force from and after its passage; provided, however, that the present officers of the city of Houston shall continue in their present offices until the first Monday in April, A. D. 1880.

Approved April 21, A. D. 1879.

Takes effect ninety days after adjournment.

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#### CHAPTER XXII.—An act to validate the sale of certain town lots and county lands in the county of McCulloch.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sale of town lots and county lands situated in and adjoining the town of Brady, in the county of McCulloch, and State of Texas, heretofore made at private sale, by the agent, or agents, commissioner or commissioners, be, and the same are hereby made as legal and valid as if made in strict conformity with law.

Sec. 2. Whereas, an irregularity exists in the sale of said lands and lots, liable to cause confusion in years to come; and, whereas, the notice required by the constitution has been given of an application for the passage of this act; and, whereas, this session of the Legislature is fast drawing to a close, which necessitates the suspension of the rule requiring bills to be read on three several days, and as an imperative public necessity, and emergency exists for the immediate passage of this act, it shall, therefore, take effect and be in force from and after its passage.

Approved April 21, A. D. 1879.

Takes effect ninety days after adjournment.

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#### CHAPTER XXIII.—An act to authorize Messrs. Cunningham & Ellis, lessees of the State Penitentiary, to sue the state.

Whereas, Messrs. Cunningham & Ellis, lessees of the state penitentiary, claim that the State of Texas is indebted unto them in the sum of seven thousand seven hundred and eighty dollars for which they claim

to be entitled to a credit, but which, on the part of the state, is denied; therefore that justice be done in the premises,

Section 1. Be it enacted by the Legislature of the State of Texas, That said Cunningham & Ellis be, and they are hereby authorized to sue the State of Texas, in the district court of Travis county, on said claim, and upon a recovery of judgment by them, the comptroller of public accounts shall allow them the amount of their recovery by way of credit on any settlement thereafter made with said leasees.

Sec. 2. The session of this Legislature being now near its close makes it an imperative public necessity that the rule requiring this bill to be read on three several days be suspended and that this act take effect from and after its passage, and it is so enacted.

Approved April 22, A. D. 1879.

Takes effect ninety days after adjournment.

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CHAPTER XXIV.—An act to authorize the construction of a ship channel from Corpus Christi across Mustang Island, and to donate land for the same.

Whereas, The citizens of Nueces county, on February 5, 1879, in convention assembled, for the purpose of making arrangements for increasing the harbor facilities of Corpus Christi, by removing the Bulkhead and opening a free channel to the Gulf by way of Corpus Christi pass, selected as a special committee M. Kenedy, George F. Evans, J. B. Mitchell, C. C. Heath and Wm. Headen, with full power to proceed with the work at their discretion in the best and most practicable way, and to expedite and promote the completion of said public work; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That so soon as the aforesaid M. Kenedy, Geo. F. Evans, J. B. Mitchell, C. C. Heath, Wm. Headen and their associates, have completed a channel across the Bulkhead at Corpus Christi pass, to the depth of eight feet, and one hundred feet wide, so that there shall be a continuous depth of eight feet at average tide, from the wharf at Corpus Christi to the bar at Corpus Christi pass, they shall notify the governor of such fact, when he shall appoint some competent person to examine and measure such channel; and if the same shall be found to have been constructed in conformity with this act, then shall the commissioner of the general land office, upon presentation of the certificate of the governor, issue to M. Kenedy, Geo. F. Evans, J. B. Mitchell, C. C. Heath, Wm. Headen and their associates, three hundred and twenty land certificates, of sections of six hundred and forty acres each, which said certificates shall be located and surveyed in alternate sections on any of the unappropriated public domain not previously titled or surveyed, and the state shall not be responsible for any want of domain to locate said certificates upon, the field notes and maps returned to the general land office, and the odd sections patented to said M. Kenedy, Geo. F. Evans, J. B. Mitchell, C. C. Heath, Wm. Headen and their associates, and the even sections reserved to the state for the school fund; provided, said M. Kenedy, J. B. Mitchell, Geo. F. Evans, Wm. Headen, C. C. Heath and associates, shall keep open and maintain said channel free of all toll or tax upon com-

merce for ten (10) years, and the work of opening said channel shall be completed within five years from the passage of this act.

Sec. 2. That inasmuch as the closing of the bar at Aransas pass has interrupted and almost paralyzed the transportation of merchandise to Corpus Christi, from which point a large extent of country is supplied, and that an immense quantity of wool and other articles cannot for that reason be forwarded to a market, a public necessity and emergency exist justifying the suspension of the rule and the immediate passage of this act, and that the same take effect from and after its passage, and it is so enacted.

Approved April 22, A. D. 1879.

Takes effect ninety days after adjournment.

CHAPTER XXV.—An act to authorize the survivors of Terry's Texas Rangers to erect a monument to the dead of that command in the burying grounds belonging to the state at Austin.

Section 1. Be it enacted by the Legislature of the State of Texas, That the survivors of Terry's Texas Rangers be permitted to erect a monument within the limits of the burying grounds belonging to the state at Austin, at such spot as may be designated by the governor.

Sec. 2. That the late hour of the session at which this act is proposed creates an imperative public necessity that the rule should be suspended which requires a bill to be read on three several days, and it is so suspended.

Approved April 23, A. D. 1879.

Takes effect ninety days after adjournment.

THE STATE OF TEXAS, }  
DEPARTMENT OF STATE. }

I, John D. Templeton, secretary of state of the State of Texas, do hereby certify that the laws contained in this volume are true and correct copies of the enrolled bills now on file in this department. I further certify that the regular session of the Sixteenth Legislature convened at the city of Austin, on the fourteenth day of January, A. D. 1879, and adjourned on the twenty-fourth day of April, A. D. 1879.

In testimony whereof, I hereto sign my name and affix the  
[L. s.] seal of the State of Texas, at Austin, on this the seventeenth day of June, A. D. 1879.

JOHN D. TEMPLETON,  
Secretary of State.

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# GENERAL LAWS

OF

# THE STATE OF TEXAS

PASSED AT THE

SPECIAL SESSION OF THE SIXTEENTH LEGISLATURE

CONVENED

AT THE CITY OF AUSTIN

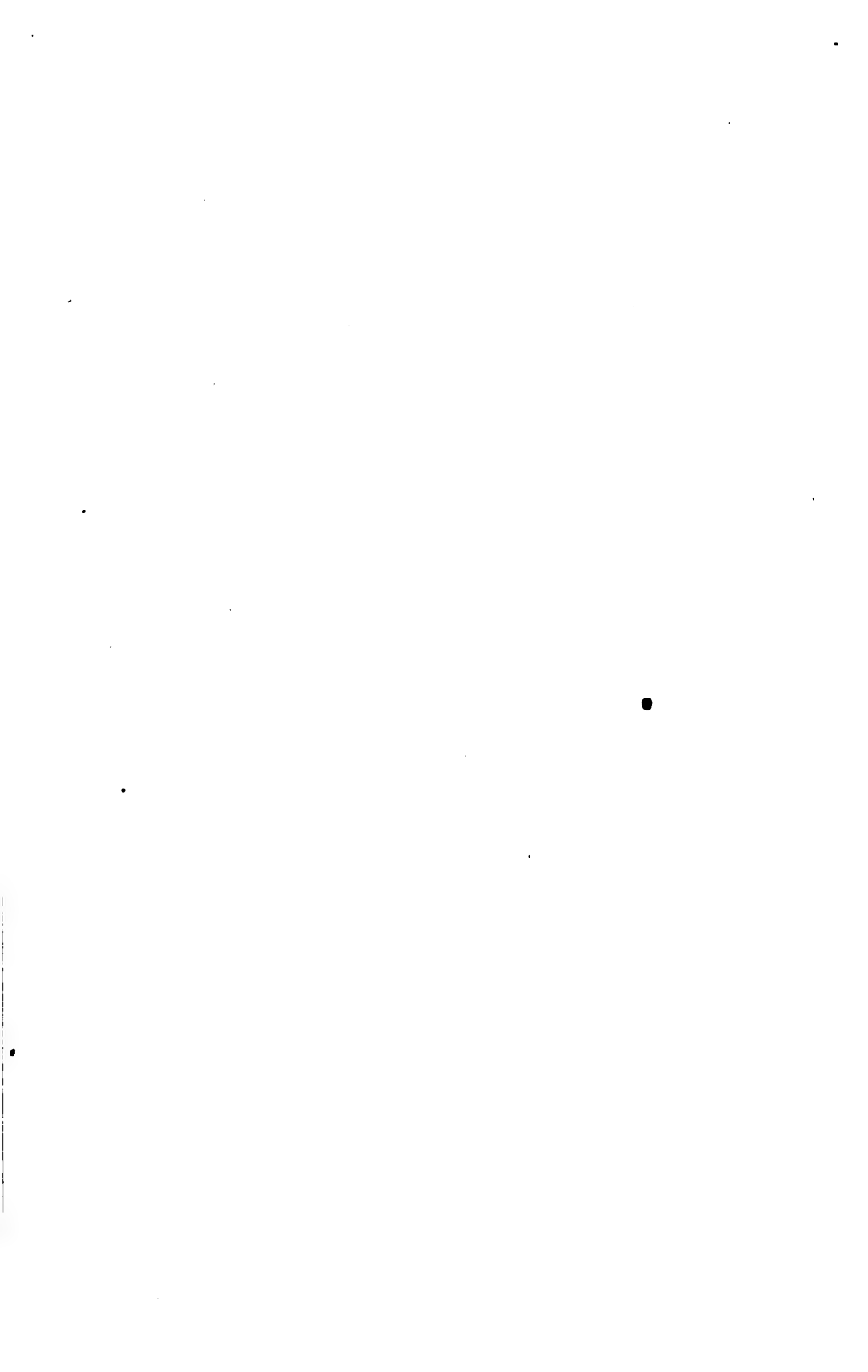
JUNE 10TH, 1879, AND ADJOURNED JULY 9TH, 1879.

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BY AUTHORITY.

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GALVESTON  
1879



# GENERAL LAWS OF TEXAS.

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CHAPTER I.—An act making an appropriation for mileage and per diem pay of members, and per diem pay of officers and employees of the first called session of the Sixteenth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of forty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated for the payment of mileage and per diem pay of the members, and the payment of the per diem pay of the officers and employees of the first called session of the Sixteenth Legislature.

Sec. 2. That the certificate of the secretary of the senate, approved by the president thereof, or the certificate of the chief clerk of the House, approved by the speaker thereof, shall be sufficient evidence to the comptroller, upon which he shall audit the claims and issue his warrants upon the treasurer for the respective amounts.

Sec. 3. That the balance of moneys remaining in the treasury, heretofore appropriated for the per diem pay and mileage of the members, and the per diem pay of officers and employees of any preceding session of the Legislature of the State of Texas, be and the same is hereby re-appropriated for the purposes specified in this act.

Sec. 4. And, whereas, the first called session of the Sixteenth Legislature, for the payment of the members and officers of which this law is enacted, is now in session, and public policy requires their payment; therefore, an imperative public necessity exists that the rule requiring this bill to be read on three several days be suspended and it is so enacted, and that this act take effect and be in force from and after its passage.

Approved June 18, A. D. 1879.

Takes effect from and after its passage.

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CHAPTER II.—An act making an appropriation to defray the contingent expenses of the Sixteenth Legislature, convened on June 10th, 1879, in extra session, by proclamation of the governor.

Whereas, It is of sufficient public importance that the contingent expenses of the extra session of the Sixteenth Legislature be promptly paid in order that the material furnished and labor performed may be procured at cash prices; therefore,



Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to pay the contingent expenses of the extra session of the Sixteenth Legislature; and that the approval by the chairman of the committee on contingent expenses of either house, countersigned by the president of the Senate or speaker of the House, as the case may be, shall be sufficient authority to authorize the comptroller to issue his warrant on the state treasurer for the payment of any account against said fund.

Sec. 2. That the public importance of the objects herein contemplated, and the peculiar circumstances of the members and the employees of the Sixteenth Legislature creates an imperative public necessity and emergency fully authorizing the suspension of the constitutional rule requiring the reading of bills upon three several days, and the said rule is hereby suspended, and this act shall be in force and take effect from and after its passage.

Approved June 18, A. D. 1879.

Takes effect from and after its passage.

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CHAPTER III.—An act supplementary to "an act to establish a State Normal School," approved April 21, 1879.

Whereas, The citizens of Huntsville, Walker county, have tendered to the state a warrantee title to the buildings and grounds lately known as "Austin College," located at Huntsville, at which place the "Sam Houston Normal Institute" has been established by the fore-recited act, but the chain of title is not perfect so as to vest a clearly legal title in the state, and further time is required to formally perfect the title; and,

Whereas, the said citizens have paid the purchase money due on said buildings and grounds, and have been placed in possession of the same and are desirous of delivering possession of the same in good repair to the state for the establishment of said institute, and propose to guarantee to the state a perfect title to the same; and,

Whereas, it is important that said institute be opened at the earliest day practicable, which creates an emergency for the immediate passage and taking effect of this act; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the state board of education is authorized and required to accept possession of said buildings and grounds from the citizens of Huntsville, on receiving from them such bond or guarantee of a valid legal title to the same in the state within twelve months from the passage of this act, the bond or guarantee to be payable to the state, and in such sum, not to exceed fifty thousand dollars, and conditioned as the governor and attorney general shall prescribe; and a further guarantee from said citizens that said buildings shall be placed in such reasonable repair as the board of education may require, including a new plank fence around the grounds.

Sec. 2. That on receiving such guarantees and possession of said buildings and grounds, it shall be the duty of said board to establish rules and regulations, appoint a local board of directors and open said

institute for students, as provided in the act approved April 21, 1879, entitled "An act to establish a state normal school."

Sec. 3. That this act shall be in force from its passage.

Approved June 23, A. D. 1879.

Takes effect from and after its passage.

**CHAPTER IV.—An act to define the times of holding the terms of the district courts in the fifth judicial district of the State of Texas.**

Section 1. Be it enacted by the Legislature of the State of Texas, That hereafter the terms of the district courts of the fifth judicial district of the State of Texas, shall be holden at the times hereinafter specified, to wit: In the county of Cass, on the first Mondays in February and September, and may continue in session three weeks; in the county of Bowie, on the third Mondays after the first Mondays in February and September, and may continue in session two weeks; in the county of Morris, on the fifth Mondays after the first Mondays in February and September, and may continue in session one week; in the county of Titus, on the sixth Mondays after the first Mondays in February and September, and may continue in session two weeks; in the county of Franklin, on the eighth Mondays after the first Mondays in February and September, and may continue in session two weeks; in the county of Camp, on the tenth Mondays after the first Mondays in February and September, and may continue in session two weeks; in the county of Marion, on the twelfth Mondays after the first Mondays in February and September, and may continue in session six weeks; provided, that no jury shall be empaneled after the fourth week of said terms.

Sec. 2. That all writs and process returnable to said courts, shall be returnable to the terms of said courts as herein defined, and all such writs and process as have been issued, executed and returned, shall be as valid as if no change had been made in said courts by the passage of this act.

Sec. 3. That all laws in conflict herewith be and the same are hereby repealed.

Approved June 26, A. D. 1879.

Takes effect ninety days after adjournment.

**CHAPTER V.—An act making an appropriation to pay the interest on the public debt and to pay the sinking fund.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the following sums of money, or so much thereof as may be necessary to pay the interest and sinking fund on the public debt, are hereby appropriated:

1. For payment of interest on the public debt, due July 1, 1879 .....\$157,912 75
2. Interest due September 1, 1879..... 26,470 00
3. Interest due January 1, 1880..... 157,713 00
4. Interest due March 1, 1880..... 26,470 00

5. Interest due July 1, 1880.....	\$157,912 75
6. Interest due September 1, 1880.....	26,470 00
7. Interest due January 1, 1881.....	157,713 00

Total interest .....	\$710,661 50.
1. For sinking fund from September 1, 1878, to August 31, 1879 .....	\$100,000 00
2. For sinking fund for year ending August 31, 1880.....	100,000 00
3. For sinking fund from August 31, 1880, to February 28, 1881 .....	50,000 00

Total sinking fund.....\$250,000 00

Sec. 2. The fact that a large amount of the public interest will be due on the first day of July, 1879, creates an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, said rule is therefore suspended; and the same fact creates an emergency that this act take effect and be in force from and after its passage, it is therefore so enacted that this bill shall take effect and be in force from and after its passage.

Approved June 28, A. D. 1879.

Takes effect from and after its passage.

## CHAPTER VI.—An act defining and describing what funds shall constitute the available school fund, and repealing all laws in conflict therewith.

Section 1. Be it enacted by the Legislature of the State of Texas, That the one dollar poll tax levied and collected for the use of public free schools, exclusive of the costs of collection, the interest arising from any bonds or funds belonging to the permanent school fund, and all the interest derivable from the proceeds of sales of land heretofore set apart for the permanent school fund which have hitherto or may hereafter come into the state treasury, and such amount of the general revenue levied and collected after the thirty-first day of December, A. D. 1878, as the Legislature shall, from time to time, appropriate, shall constitute the available school fund, and shall be appropriated to the support and maintenance of the public free schools of this state.

Sec. 2. That section twelve (12) of "An act to establish and provide for the support and maintenance of an efficient system of public free schools," approved August 19, 1876, and so much of "An act amending and supplementing articles 4662, 4663, 4664, 4665, 4666, 4667 and 4668, inclusive, of chapter one, title 95 of the Revised Civil Statutes," adopted February 21, 1879, approved April 22, 1879, as amends article 4663 of Revised Civil Statutes, and article 3704, chapter three, title seventy-eight, and article 4663, chapter one, title ninety-five of "An act to adopt and establish the Revised Civil Statutes of the State of Texas," passed February 21, 1879, and all laws or parts of laws levying or collecting, segregating or setting apart any part of the revenue for the support of public free schools, except as stated and provided for in the first section of this act, and all laws or parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 3. That the limited period permitted for the session creates an emergency and imperative public necessity that requires the suspension of the rule requiring this bill to be read on three several days, and it is so enacted, and that this act take effect and be in force from and after its passage.

Approved July 2, A. D. 1879.

Takes effect ninety days after adjournment.

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**CHAPTER VII.—An act to change and fix the times of holding the terms of the district courts in the eleventh judicial district of this state.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the district courts of the eleventh judicial district shall be holden at the times hereinafter specified to wit: In the county of Ellis on the first Mondays in February and September, and may continue in session five (5) weeks; in the county of Dallas, on the second Mondays in March, May, October and December, and may continue in session until the business is disposed of.

Sec. 2. That all writs and process returnable to said courts shall be returnable to the terms of said courts as herein defined; and all such writs and process as have been issued, executed and returned, shall be as valid as if no change had been made in the time of holding said courts by the passage of this act.

Sec. 3. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 4. The near approach of the close of the present session of the Legislature creates an emergency which requires the suspension of the constitutional rule requiring all bills to be read upon three several days, and it is therefore suspended; and the further fact that the docket of Dallas county is crowded with business, and that the terms of the district court of Ellis county are, by this act, made to commence on the first Mondays in February and September, creates an imperative public necessity that this act take effect and be in force within ninety days, it is therefore enacted that this act take effect and be in force from and after the thirty-first day of August, A. D. 1879.

Approved July 2, A. D. 1879.

Takes effect from and after the thirty-first day of August, 1879.

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**CHAPTER VIII.—An act to better provide for the prompt accounting for and payment of public moneys by tax collectors to the proper receiving officers.**

Section 1. Be it enacted by the Legislature of the State of Texas, That all tax collectors and other officers or appointees authorized to receive public moneys shall account for all moneys in their hands belonging to the state, and pay the same over to the state treasurer whenever and as often as they may be directed so to do by the comptroller of public accounts; provided, that tax collectors shall have thirty days from the date of such direction within which to comply with the same.

Sec. 2. That all tax collectors and other officers or appointees authorized to receive public moneys, shall account for all moneys in their hands belonging to their respective counties, cities or towns, and pay the same over to the respective county treasurers or city treasurers, whenever and as often as they may be directed so to do by the respective county judges, or county commissioners' courts, or mayor or board of aldermen; provided, that tax collectors shall have ten days from the date of such direction within which to comply with the same.

Sec. 3. The notification and direction provided for in the two preceding sections may be verbal, written or by telegram; and if written or by telegram, proof of the deposit in the postoffice or telegraph office of such notification and direction, with postage or charges duly prepaid and correctly addressed, shall be prima facie evidence of the fact of such notification and direction having been given, and of the time when the same was given.

Sec. 4. Every tax collector, or other officer or appointee, authorized to receive public moneys, failing wilfully or negligently to comply with such direction and notification, as prescribed in sections one and two of this act shall be deemed guilty of a felony, and shall be punished by imprisonment in the penitentiary for not less than three nor more than ten years.

Sec. 5. Prosecutions for failing to account for and pay over public moneys belonging to the state, as required by this act, shall be conducted in Travis county.

Sec. 6. Prosecutions for failing to account for and pay over public moneys belonging to the respective counties, cities or towns, as required by this act, shall be conducted in the county to which such public moneys may belong, or in the county where such city or town is situated.

Sec. 7. The provisions of this act shall be cumulative to the provisions of title ninety-five, chapter four of the Revised Civil Statutes, concerning the collection of taxes, and of title four, chapter three of the Criminal Code, concerning the mis-application of public moneys, except where the latter may be in conflict with this act; and the provisions of said titles and chapters when in conflict with this act, and all other acts in conflict with this act, are hereby repealed.

Sec. 8. Whereas, there exists an imperative public necessity that the revenues of the state and counties shall at once become available; be it further enacted, that this act shall take effect from and after its passage.

Approved July 2, A. D. 1879.

Takes effect from and after its passage.

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CHAPTER IX.—An act to postpone the time for the forced collection of taxes by levy and sale, until the 31st day of October, A. D. 1879, in such county or counties in this state as had no legal collector of taxes for the twelve months prior to the first day of March, A. D. 1879.

Section 1. Be it enacted by the Legislature of the State of Texas, That the time for the collection of all back taxes by seizure, levy or sale, in each and every county in this state which had no legal collector of taxes for twelve months prior to the first day of March, A. D. 1879, is hereby extended until the thirty-first day of October, A. D. 1879.

Sec. 2. It shall be the duty of the collector of taxes, in such county or counties as come under the provisions of section one of this act, to use all necessary diligence to collect the taxes due and unpaid in his county, but he is hereby prohibited from the seizure or sale of property until the said thirty-first day of October, A. D. 1879.

Sec. 3. If any person, firm, corporation or association of persons, shall fail or refuse to pay the taxes imposed by law and which are due and unpaid, in such county or counties as are mentioned in the caption and first section of this act, until the said thirty-first day of October, A. D. 1879, the collector of taxes in said county shall forthwith and promptly seize, levy upon and sell so much property belonging to such person, firm, corporation or association of persons, whether residents or non-residents, as may be sufficient to pay his or their taxes and penalties due, together with all costs accruing thereon in accordance with the law then in force for the collection of delinquent taxes.

Sec. 4. Whereas, the time for the forced collection of taxes is already at hand, therefore, an imperative public necessity and an emergency exists demanding the suspension of the constitutional rule requiring a bill to be read on three several days, it is therefore suspended, and that this act take effect and be in force from and after its passage, and it is therefore so enacted.

Approved July 2, A. D. 1879.

Takes effect ninety days after adjournment.

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CHAPTER X.—An act to diminish the civil jurisdiction of the county court of Navarro county and to conform the jurisdiction of the district court of said county to such change.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county court of Navarro county shall have and exercise the general jurisdiction of a probate court; shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis and common drunkards, grant letters testamentary and of administration, settle accounts of executors, administrators and guardians, transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis and common drunkards, including the settlement, partition and distribution of estates of deceased persons, and to apprentice minors as provided by law, and to issue all writs necessary to the enforcement of its said jurisdiction, to punish contempts under such provisions as are or may be provided by general law governing county courts throughout the state; but said county court of Navarro county shall have no other civil jurisdiction whatsoever.

Sec. 2. That said county court shall have and exercise such jurisdiction over and pertaining to criminal matters and proceedings as by general laws of this state is conferred upon county courts.

Sec. 3. That the district court of said Navarro county shall have and exercise jurisdiction in all civil matters and causes over which, by the general laws of this state, the county court of said county would have jurisdiction, except as provided in section one of this act; and that all causes other than probate matters, and such as are provided by sections one and two of this act, be and the same are hereby transferred to

the district court of said Navarro county, and all writs and process relating to civil matters heretofore issued by, or out of, said county court of Navarro county other than those pertaining to matters over which by section one of this act jurisdiction is given to said county court of said county, be and the same are hereby made returnable to the next term of the said district court of Navarro county.

Sec. 4. That the county clerk of said Navarro county be and he is hereby required within twenty days after the passage of this act, to make a fair and complete transcript of all entries upon his civil dockets heretofore made in causes which by section three of this act are transferred to the district court of said county, and deliver the same to the district clerk of said county, together with all papers to such causes pertaining, and all such cases shall immediately be docketed by said district clerk, and such civil cases so transferred shall stand on the docket of said court as appearance cases for the next succeeding term of said court.

Sec. 5. That this act shall not be construed to in any manner affect judgments heretofore rendered by said county court of Navarro county, pertaining to matters and causes which by section three of this act are transferred to the district court of said county, but the county clerk of said county shall issue all executions and orders of sale as the judgments in such cases require, and such executions and orders of sale and the proceedings thereunder shall be as valid and binding to all intents and purposes as though no change had been made, as by section three of this act is contemplated.

Sec. 6. That all laws and parts of laws in conflict with this act be and they are hereby repealed.

Sec. 7. The limited time allotted to the present session of this Legislature and the urgent need of the provisions of this act, creates an imperative public necessity that the rules be suspended and that this act be put upon its immediate and final passage; and the fact that the benefits to be derived from it by Navarro county will be greatly enhanced by its immediate action and effect, creates an emergency, and it is therefore enacted that this act take effect and be in force from and after its passage.

Approved July 2, A. D. 1879.

Takes effect from and after its passage.

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CHAPTER XI.—An act to amend the ninth section of “an act establishing the tenth, twelfth, thirtieth, twenty-eighth, twenty-ninth and thirteenth judicial districts, prescribing the times of holding the district courts therein, and providing for the appointment of district judges for the twenty-eighth, twenty-ninth and thirtieth judicial districts,” approved February 22, 1879.

Section 1. Be it enacted by the Legislature of the State of Texas, That the ninth section of the above recited act be so amended as to read as follows:

“Section 9. That the district courts in the counties composing the thirteenth judicial district shall be holden as follows: In the county of Freestone, on the first Mondays in April and December, and may continue in session four weeks; in the county of Navarro, on the fifth Mondays

after the first Mondays in April, August, and December, and may continue in session six weeks; in the county of Limestone, on the eleventh Mondays after the first Mondays in April, August, and December, and may continue in session until the business is disposed of."

Approved July 2, A. D. 1879.

Takes effect ninety days after adjournment.

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**CHAPTER XII.**—An act to enable the municipal authorities of towns, cities, and the commissioners' courts of the counties wherein such towns and cities are situated, to co-operate with each other in improvements connected with the town or city and county necessary to promote the sanitary regulations thereof.

Section 1. Be it enacted by the Legislature of the State of Texas, That the municipal authorities of towns and cities, and commissioners' courts of the counties wherein such towns and cities are situated, may co-operate with each other in making such improvements connected with said towns, cities and counties as may be deemed by said authorities and courts necessary to improve the public health and to promote efficient sanitary regulations; and, by mutual arrangement, they may provide for the construction of said improvements and the payment therefor.

Sec. 2. Owing to the amount of business now pending before this extra session, there exists an imperative public necessity for dispensing with the rule which requires this bill to be read on three several days, and the near approach of the epidemic season in some portions of the state creates an emergency requiring this act to be in force from and after its passage; and it is so enacted.

Approved July 4, A. D. 1879.

Takes effect from and after its passage.

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**CHAPTER XIII.**—An act to better provide for and facilitate the collection of all judgments in favor of the state or any county thereof.

Section 1. Be it enacted by the Legislature of the State of Texas, That in any case wherein any property shall be sold by virtue of any execution or order of sale issued upon any judgment in favor of the state, except executions issued upon judgments in cases of scire facias, the agent or attorney representing the state by and with the advice and consent of the attorney general of the state, is hereby authorized and required to attend such sales, and bid on and buy in for the state said property, when it shall be deemed proper to protect the interest of the state in the collection of such judgment; provided, that in no case shall the amount bid by him exceed the amount necessary to satisfy said judgment and all costs due thereon.

Sec. 2. That in all cases where property is so purchased by the state, the officer selling the same shall execute and deliver to the state a deed of conveyance to the same, such as is prescribed for individuals in similar cases.

Sec. 3. The agent or attorney of the state buying for the state any such property at such sale, shall be authorized by and with the advice



and consent of the attorney general, at any time to sell or otherwise dispose of said property so purchased, in the manner and upon such terms and conditions as he may deem most advantageous to the state; and if sold or disposed of for a greater amount than is necessary to pay off the amount due upon the judgment and all costs, the remainder shall be paid into the state treasury and placed to the credit of the general revenue; and when such sale is made the attorney general shall, in the name of the state, execute and deliver to the purchaser a deed of conveyance to said property, which deed when, so signed by him, shall vest all the right and title to the same in the purchaser thereof.

Sec. 4. When any such property is sold under execution or order of sale issued upon any judgment in favor of the county, including executions issued upon judgments in cases of scire facias in the name of the state, the attorney or agent so representing the county, by and with the advice and consent of the commissioners' court, shall have the same authority to buy in and dispose of such property for the county, as the agent or attorney for the state is given in this act in similar cases; and when any property is so purchased by the agent or attorney of the county, the officer so selling the same shall execute and deliver to the county a deed of conveyance to the same; and whenever the property so bought in for the county is sold, the county commissioners' court shall execute and deliver to the purchaser thereof a deed of conveyance in the name of the county to such property.

Sec. 5. That whenever the principal and sureties upon any judgment held by the state are insolvent so that under any existing process of law said judgment or any part thereof cannot be collected, there shall be and is hereby constituted a board consisting of the attorney general, comptroller and treasurer of the state, who are hereby empowered and authorized by such advertising as they may deem necessary to offer for sale at public outcry, or by private sale, as they may deem to the best interest of the state, all the right of the state to such judgment; and if by public sale, if the amount bid on the same should not be deemed sufficient, they shall refuse to accept the same, and dispose of the same in any manner deemed by them most advantageous to the interest of the state, and upon sale shall make a proper assignment of said judgment to the purchaser.

Sec. 6. Upon any like judgment, the proceeds of which revert to and belong to any county, the county commissioners' court shall constitute a board to dispose of the same for the county in the same manner, and shall have the same power in the premises as the state board has under the provisions of this act.

Sec. 7. There being in force no efficient law upon this subject in this state, this act shall take effect and be in force from and after its passage.

Approved July 4, A. D. 1879.

Takes effect from and after its passage.

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CHAPTER XIV.—An act to provide for the transfer of judgments rendered in the county courts where the civil and criminal jurisdiction (or either) has been transferred to the district courts, and to authorize the enforcement thereof.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be the duty of the clerks of the county courts of the several counties in this state, where the civil and criminal jurisdiction

(or either) of the county court has been transferred to the district court, to make out a certified copy of all judgments remaining unsatisfied, which have been rendered in civil or criminal cases in the county court, and transmit the same to the clerk of the district court of their respective counties.

Sec. 2. When the clerk of the district court of any county in the state, where the civil and criminal jurisdiction (or either) of the county court has been transferred to the district court, shall receive from the clerk of the county court a certified copy of a judgment rendered in any civil or criminal case in the county court, he shall immediately record such judgment in the minutes of the district court; and thereupon the said district court shall have the power to enforce said judgments by execution or otherwise, as other judgments rendered in said district court are or may be enforced.

Sec. 3. Whereas, the Sixteenth Legislature passed an act diminishing the civil and criminal jurisdiction of the county courts of certain counties in this state, which will take effect on the twenty-fourth day of July, A. D. 1879; and whereas, it is necessary, and public policy requires, that this act should take effect at the same time; therefore, an emergency exists that this act take effect and be in force from and after the twenty-fourth day of July, A. D. 1879, and it is so enacted.

Sec. 4. The great amount of business now before the Legislature, and the short time remaining to this session, renders it doubtful whether this bill can be read on three several days; therefore an imperative necessity exists which authorizes the suspension of the rule requiring bills to be read on three several days, and said rule is therefore suspended.

Approved July 4, A. D. 1879.

Takes effect on the twenty-fourth day of July, 1879.

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CHAPTER XV.—An act to equalize and regulate the pay and arming of all military or police companies organized and operated under any law of this state, except those organized under the militia law.

Section 1. Be it enacted by the Legislature of the State of Texas, That the pay of officers and men in any military or police company organized under any law of this state, except those organized under the militia law, shall be as follows: For captains, one hundred dollars; for lieutenants, seventy-five dollars; for first sergeants, fifty dollars; for other duty sergeants, forty dollars; for corporals, thirty-five dollars; for privates, thirty dollars per month for each month of actual service, and nothing shall be paid by way of commutation.

Sec. 2. The state shall furnish necessary ammunition, and to each officer, non-commissioned officer and private, all necessary arms at cost, the price of which shall be deducted from the first money due them by the state; provided, that when any of the forces in service in this state shall be regularly discharged from said companies, any arms in their possession may be returned to the state at their reasonable value at the time of their return, said value to be determined by the adjutant general, provided said arms be in good condition; provided further, that any person enlisting in said service may have the right to furnish their own arms, provided they be of the same kind and calibre.

Sec. 3. The provisions of any law in any way conflicting with this act, be and the same are hereby repealed.

Sec. 4. Whereas, there are now laws in force making a difference between the pay and arming of the military forces of this state, thereby discriminating between said forces, an emergency exists that this act take effect from and after its passage, and it is so enacted.

Approved July 4, A. D. 1879.

Takes effect from and after its passage.

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CHAPTER XVI.—An act to amend article 1136, chapter one, title twenty-eight of the Revised Civil Statutes, adopted Feb. 21, 1879.

Section 1. Be it enacted by the Legislature of the State of Texas, That the above recited article shall be so amended as to hereafter read as follows:

“Article 1136. County judges in those counties wherein the civil or criminal jurisdiction of the county courts has been or may hereafter be diminished shall have the right to practice as attorneys in all justices’ and county courts in cases wherein the courts over which they preside have neither original nor appellate jurisdiction, provided they are licensed lawyers.”

Sec. 2. Whereas, under the constitution the present session of the Legislature is limited to thirty days, a great portion of which has already expired; and whereas, under existing laws county judges are deprived of practicing in county and other inferior courts; therefore, an emergency exists and an imperative public necessity demands the suspension of the constitutional rule which requires a bill to be read on three several days and that this law take effect and be in force from and after its passage, and it is so enacted.

Approved July 4, A. D. 1879.

Takes effect from and after its passage.

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Chapter XVII.—An act to enforce the collection of delinquent taxes.

Section 1. Be it enacted by the Legislature of the State of Texas, That the comptroller of public accounts be and he is hereby required to prepare and forward to the county commissioners’ court of the several counties of this state, a full and complete abstract of the yearly delinquent list of taxes upon lands in their respective counties, assessed since the first day of January, 1870, showing upon what lands such taxes are due, the year the same was assessed, the amount due the state for each year and the amount due the county for each year; and he shall describe each tract in the same manner as it is described on the tax rolls by the party assessing the same, and shall also state by and for whom rendered, and shall certify officially to the facts set forth in said list.

Sec. 2. Upon receipt of said list, the county commissioners’ court shall carefully examine the same, and see that the taxes, both general and special, due said county, are accurately stated and correct any inaccuracies or omissions that may have been made therein, and shall attach

to the same a certificate that it is correct so far as it relates to the county taxes, and shall thereupon deliver the same to the collector of taxes for such county, who shall at once post a copy of said delinquent list at the court house door and at least two other public places in the county, in different justices' precincts, requiring the owners of said land to come forward and pay said taxes.

Sec. 3. All lands and town lots rendered in one county and situated in another county, shall be made out by the comptroller on a separate list and forwarded to the commissioners' court of the county where such lands are situated; and if any of such lands are situated in any unorganized county, then the comptroller shall forward a list of such lands to the commissioners' court of the county to which such unorganized county is attached for judicial purposes.

Sec. 4. At the expiration of sixty days after posting said notices, if said taxes, or any part of them, are unpaid, or satisfactory evidence furnished the collector of taxes that the taxes have been paid, the collector of taxes shall, by virtue of his roll, seize, levy upon and sell so much property belonging to the person, firm, company or corporation, whether residents or non-residents, against whom the taxes were assessed and due and unpaid as may be sufficient to pay his, her or their taxes and penalties due, together with all costs accruing thereon; provided, however, that if such person, firm, company or corporation, his, her or their agent or attorney, shall point out to the collector of taxes sufficient property belonging to the party assessed, in said county, to pay said taxes before the expiration of the sixty days, as above provided, then the collector of taxes shall levy upon and sell the property so pointed out; and in case the property seized and levied upon is personal property, the collector shall proceed to take into his possession so much thereof as will pay the taxes assessed and due, together with all penalties due and costs accruing thereon.

Sec. 5. Every collector of taxes, for personal property, shall give notice of the time and place of the sale of the property so levied on, at least ten days previous to the day of sale, by advertisement in writing, to be posted up, one at the court house door of his county, and one in two other public places in the county; and such sale shall take place at the court house door of the county in which the property is situated, by public auction; and if the property so levied upon proves to be insufficient to satisfy the taxes and penalties due and costs accruing thereon, the collector shall seize and levy upon and sell so much other taxable property belonging to the person, firm, company or corporation, as will be sufficient to satisfy such tax, penalties and costs, in the manner prescribed in the preceding part of this section; provided, should the property sold bring more than the taxes, penalties and costs, the remainder shall be paid to the owner by the collector, or deposited by him in the county treasurer's office, subject to the order of the party or parties owning said property.

Sec. 6. If the taxes upon any land or town lots in this state are not paid before the expiration of the sixty days provided for in section four of this act, the collector of taxes shall seize, levy upon and sell such land or town lots, whether belonging to residents or non-residents, for the payment of all taxes and penalties due thereon, together with all costs which have or may accrue thereon; and he shall advertise the same for sale in some newspaper published in the county for three successive weeks, if there be one, and if there be no newspaper in the county, then by posting said advertisement for thirty days at the court house door

and three other public places in the county where the land or lots are situated, giving in said advertisement such description as is given to the same on the certified statements furnished him by the commissioners' court, as furnished the court by the comptroller of public accounts; giving the name of the owner if known, and if unknown, say "unknown," together with time, place and terms of said sale; said sale to be for cash, to the highest bidder at public outcry, at the court house door; which sales shall be between legal hours, on the first Tuesday of the month; provided, if the sale of all the lands and town lots advertised is not made in one day, the sale shall be continued from day to day. The collector of taxes shall make proclamation at the close of each day of the continuance of the sale the following day, and as far as practicable all the lands and town lots seized shall be advertised in one notice; provided, that the owner of such lands, or his agent, shall, upon the payment of all delinquent taxes due upon said lands since January 1, A. D. 1873, prior to the day upon which said land is advertised to be sold, he shall receive a full and complete acquittance from all delinquent taxes due upon such land.

Sec. 7. The collector of taxes, in making sales for taxes due upon real estate, shall sell at auction at the time and place appointed so much of said real estate as may be necessary to pay the taxes and penalties due, and all costs accruing thereon; and shall offer said real estate to the bidder who will pay the taxes and penalties due and costs of sale and execution of deed for the least amount of said real estate, which bidder shall be considered the highest bidder. Should a less amount of said real estate than the whole tract or parcel of said real estate levied upon be sold for the taxes and penalties due and all costs of sale and execution of deed, the collector shall, in making his deed to the purchaser, begin at some corner of said tract or parcel of land or town lot, and designate the same in a square as near as practicable.

Sec. 8. The collector of taxes shall execute and deliver to the purchaser, upon the payment of the amount for which the estate was sold, and costs and penalties, a deed for the real estate sold; which deed shall vest a good and absolute fee in said lands or lots to the purchaser, if not redeemed in two years as herein provided for; which deed shall state the cause of sale, the amount sold, the price for which the real estate was sold, the name of the person, firm, company or corporation against whom the taxes were assessed provided the name is known, and if unknown, say "unknown;" and when real estate has been sold, he shall convey, subject to the right of redemption provided for in the following section, all the right and interest which the former owner had therein at the time when the assessment was made, or when the sale was made.

Sec. 9. The owner of real estate sold for the payment of taxes, or his heirs or assigns, or legal representative, may, within two years from the date of sale, redeem the estate sold by paying or tendering to the purchaser, his heirs or legal representative, double the amount of money paid for the land or lots, together with all the subsequent taxes that the purchaser has paid on the same from the day of purchase to the day of redemption. The collector of taxes shall give in said deed such description of the real estate as is given on the certified roll or list as shall be furnished him as is required by the provisions of this act, and such other descriptions as may be necessary to the better identification of the same.

Sec. 10. The provisions of this act in reference to the seizure and sale of real and personal property for taxes, penalties and costs due thereon,

shall apply as well to collectors of taxes for towns and cities as for collectors of taxes for counties, and they shall be governed in selling real and personal property by the same rules and regulations in all respects as to time, place, manner and terms, and making deeds as are provided for collectors of taxes for counties.

Sec. 11. Should the collector of taxes for any city or town fail to make sale of any real estate for want of a purchaser, he shall bid the same off to the city or town for the taxes and penalties and costs thereon, and make due return thereof to the city council or board of mayor and aldermen, and said collector shall, on final settlement of his accounts with the municipal authorities of such city or town, be entitled to a credit for the amount of taxes due the city or town, for the amount for which the land or lots were bid off to the city or town; provided, that the rolls of delinquent taxpayers in any city or town, when duly certified to by the recorder or clerk of said city or town, and placed in the hands of said tax collectors, shall be authority to said tax collectors to seize and sell the property, as provided in this act.

Sec. 12. Should the collector of taxes fail to make sale of any real estate for want of a purchaser, he shall bid the same off to the state for the taxes and penalties due, and all costs accruing thereon, and make due return thereof, under such forms and directions as the comptroller may furnish and direct, and he shall, on final settlement of his accounts with the commissioners' court and the comptroller of public accounts, be entitled to a credit for the amount of taxes due the state and county, respectively, for which the land or lots were bid off to the state.

Sec. 13. The collector of taxes shall make duplicate lists of all real estate sold for taxes, and file one copy in the county clerk's office for record and forward a certified copy to the comptroller of public accounts.

Sec. 14. All lands and town lots sold to the state, or to a city or town, shall be subject to redemption in the manner and under the same regulations as land sold to individuals, and in case of collectors of taxes for cities or towns, said collectors shall make duplicate lists of all real estate sold by them for taxes, and file one copy thereof with the clerk or recorder of said cities or towns.

Sec. 15. When lands upon which there are back taxes due, were assessed at the comptroller's office upon the basis for value of an average of the value of all lands in the county, it shall be lawful for the party paying such back taxes, to pay at the rate of the assessed value for the year 1876.

Sec. 16. No delinquent taxpayer shall have the right to plead in any court or in any manner rely upon any statute of limitation by way of defense against the payment of any taxes due from him or her, either to the state or any county, city or town.

Sec. 17. That whenever it shall appear to the collector of taxes in any county in this state, that any person who is a delinquent in the payment of his or her taxes, has no property in his county out of which said amount of taxes can be collected, it shall be the duty of such collector to make out from the assessment list a true and complete list or schedule of the taxes due by said delinquent, which shall be certified to under the official seal and signature of said collector, and to forward the same to the collector of taxes of any county or counties where he shall have reason to believe said delinquent has property of any description, and if said property is in any of the unorganized counties of this state, then to the collector of the county to which said unorganized county is

attached for judicial purposes, and when received by said collector, he shall at once proceed to the collection of said tax by seizure and sale in the same manner as if said taxes were originally assessed and due in his said county, and shall report to the collector from whom said list was received the taxes so collected by him.

Sec. 18. Whenever the assessment list of the assessor is approved by the commissioners' court, if any person who has listed any personal property for taxation shall be about to remove said property from the county, the taxes so assessed shall in such case become due and the collector of taxes shall be required to proceed at once to the collection of said tax in the same manner as other taxes when due.

Sec. 19. There being no law now in force for the collection of delinquent taxes creates a necessity that this act shall take effect from its passage, and it is so enacted.

Approved July 4, A. D. 1879.

Takes effect from and after its passage.

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#### CHAPTER XVIII.—An act to change the form of certain securities therein named.

Section 1. Be it enacted by the Legislature of the State of Texas, That the coupon bonds in the state treasury to the credit of the University fund, University land sales, the permanent school fund, the Agricultural and Mechanical College fund, the Deaf and Dumb Asylum fund, the Blind Asylum fund and the Lunatic Asylum fund, be changed into manuscript-registered bonds, so framed as to include in each bond as large an amount of each series, belonging to each fund, as may be practicable and convenient, to be executed and signed by the governor and treasurer and countersigned by the comptroller, payable to each of these several funds, bearing the same rate of interest and payable at the same periods as set forth in the coupon bonds; and that said bonds, so executed, after being compared and found correct as to amounts due the several funds, and so certified to by the governor, comptroller and treasurer, shall be registered in the comptroller's and treasurer's offices.

Sec. 2. That after the coupon bonds are so substituted by the manuscript-registered bonds, the said coupon bonds shall be burned by the comptroller and treasurer in the presence of the governor, and a list of the bonds so destroyed shall be filed in the office of the comptroller and treasurer.

Sec. 3. That hereafter whenever coupon bonds, to the amount of ten thousand dollars, shall come into the treasury to the credit of either of the funds named in this bill, they shall be substituted by registered-manuscript bonds as provided for in the first section of this act, and the coupon bonds destroyed as provided in section two.

Sec. 4. The late hour in the session at which this bill receives consideration, creates an emergency and imperative public necessity that the rule be suspended requiring this bill to be read on three several days, and that it take effect from and after its passage, and it is therefore so enacted.

Approved July 5, A. D. 1879.

Takes effect ninety days after adjournment.

CHAPTER XIX.—An act amending article 896, chapter one, title eleven of the Code of Criminal Procedure, approved April 24, 1879.

Section 1. Be it enacted by the Legislature of the State of Texas, That hereafter article 896, chapter one, title eleven of the Code of Criminal Procedure, shall read as follows:

"Article 896. The jurisdiction given to mayors and recorders of incorporated towns and cities shall not prevent justices of the peace from exercising the criminal jurisdiction conferred upon them; but in all cases where there is an incorporated town or city within the bounds of a county, the justice and the mayor or recorder shall have concurrent jurisdiction within the limits of such town or city. And no person shall be punished twice for the same act or omission, although such act or omission may be an offense against the penal laws of the state as well as against the ordinances of such city or town; provided, that no ordinance of a city or town shall be valid which provides a less penalty for any act, omission or offense, than is prescribed by the Statutes, where such act or omission is an offense against the state."

Sec. 2. That injustice in the past, and the certainty of its continuance in the future in this matter, unless remedied, creates an emergency and great public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended, and this act shall be in force and take effect from and after its passage.

Approved July 5, A. D. 1879.

Takes effect from and after its passage.

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CHAPTER XX.—An act to amend section two of an act entitled "an act to provide for the printing, binding and distribution of the Revised Civil Statutes, Penal Code and Code of Criminal Procedure," approved April 26, 1879.

Section 1. Be it enacted by the Legislature of the State of Texas, That section two of an act entitled "An act to provide for the printing, binding and distribution of the Revised Civil Statutes, Penal Code and Code of Criminal Procedure, approved April 26, 1879," be amended and re-enacted so as to hereafter read as follows:

"Sec. 2. Said Revised Civil Statutes, Penal Code and Code of Criminal Procedure, and the amendments thereto passed by the Sixteenth Legislature, shall, together with the constitution of the United States and of this state, be published in a volume to be entitled the "Revised Statutes of Texas," and in the publication thereof, the head and marginal indices and references, titles, chapters and articles as contained and numbered in the acts by which the same were adopted and established, shall be retained and published therein, together with a full and accurate index to each Code and the Revised Statutes, in the preparation of which the index to the bills reported by the commissioners appointed to revise the laws shall be conformed to the volume to be published and adopted as the index thereto, so far as the same shall be found to be correct; and the governor shall appoint a codifier, whose duty it shall be to select from the acts passed at the regular session of the Sixteenth Legislature all amendments to said Codes and Revised Statutes, and insert the amended articles in the place



of the original articles of the acts adopting the Codes and Revised Statutes, and when new articles have been added to any chapter and title, he shall insert the new articles in their proper places, and shall note by marginal or foot references to the page of an act amending an article, or by which a new article was enacted; and where any general law passed by the Sixteenth Legislature modifies an article, but the same is not amended and re-enacted in said law, he shall leave the article of the Codes and Revised Statutes as it was adopted, but shall by note refer to the law so modifying the article. He shall complete this part of his work by the time the publisher contracted with under this act is ready for the copy. And the codifier appointed under the section of which this is an amendment shall copy all amendments to said Codes and Revised Statutes passed at the present extra session of the Sixteenth Legislature, so soon as signed by the governor, and insert them in their proper places and shall note all laws passed at said session that may modify, but do not in terms amend an article or chapter of said Codes and Revised Statutes. He shall prepare an accurate index of each Code and the Revised Statutes as amended, and shall read and revise the proof of the Statutes, indices, etc., as printed. For his services he shall receive the same compensation as was allowed the commissioners who revised the Codes and Revised Statutes for the time he is necessarily engaged in the duties required of him, the same to be paid from time to time, not to exceed six hundred dollars, upon certificate of the governor. That the sum of two hundred and fifty dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated to carry this act into effect. The printing board may, in their discretion, cause said volume of Revised Statutes to be electrotyped or sereotyped (stereotyped) as may seem best; provided, that nothing contained in this amendment shall be so construed as to in any wise interfere with the contract already made for the publication of said Revised Statutes further than to secure the insertion of the amendments aforesaid; and provided further, that the contractors for the publication thereof will insert the amended articles of the present extra session as herein provided at not exceeding fifty dollars of additional cost to the state and above the present contract price therefor."

Sec. 2 (3). The necessity for the publication of the Revised Statutes of Texas in as complete a form as possible, and their early distribution among the people create a public necessity and emergency that the rule requiring this bill to be read on three several days be suspended, and that this act take effect and be in force from and after its passage; and it is so enacted.

Approved July 5, A. D. 1879.

Takes effect from and after its passage.

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## CHAPTER XXI.—An act prescribing the times of holding the district courts in the several counties composing the twenty-second judicial district.

Section 1. Be it enacted by the Legislature of the State of Texas, That the terms of the district court for the twenty-second judicial district shall be held in the several counties thereof at the times hereinafter specified, in each year, to wit:

In the county of Atascosa, beginning on the first Mondays in May and November, and to continue in session two weeks.

In the county of Bexar, beginning on the first Monday in March and to continue in session eight weeks; on the first Monday in June, and to continue in session four weeks; on the first Monday in September, and to continue in session eight weeks; and on the first Monday in December, and to continue in session eight weeks.

In the county of Comal, beginning on the third Mondays of May and November, and to continue in session two weeks.

Sec. 2. All writs and process returnable to the said district courts as heretofore fixed shall be returnable to the several terms as fixed by this act, and shall be as valid and binding as if no change had been made.

Sec. 3. All laws and parts of laws heretofore enacted which conflict with any of the provisions of this act are hereby repealed.

Sec. 4. And whereas the changes herein made of the times of holding the district courts in the twenty-second judicial district would cause a conflict between the existing law and this act, should this act not take effect until ninety days after the adjournment of this session of the Legislature, and the September term of the district court in the county of Bexar coming on prior to the expiration of the said ninety days, an emergency exists such as is contemplated by the constitution in such cases, and it is therefore enacted that this act take effect and be in force from and after the first day of August, 1879.

Sec. 5. The short duration of the present session of the Legislature, and the vast amount of business before the same creates an imperative public necessity that the rule requiring bills to be read on three several days be, in case of this act, suspended, and that the same be passed at once, and it is accordingly so enacted.

Approved July 5, A. D. 1879.

Takes effect from and after first day of August.

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**CHAPTER XXII.**—An act to amend article 4652, chapter five, of title ninety-three of the Revised Civil Statutes.

Section 1. Be it enacted by the Legislature of the State of Texas, That article 4652, chapter 5 of title 93 of the Revised Civil Statutes shall hereafter read as follows:

“Article 4652. Whenever any person shall be about to drive or ship any stock out of the state, if the inspector shall believe, or is informed by any credible person that said person has other stock in his herd than those covered by his original certificate of inspection, or by subsequent purchase duly attested by proper bill of sale, the inspector at said point of shipment or border county where said person leaves the state, shall be authorized to inspect said stock in the same manner as in the original inspection; and if any stock is found in said herd other than those covered by his original certificate of inspection, or by subsequent purchase duly and properly authenticated by bill of sale, the fees of said inspector shall be paid as provided in article 4635 of this chapter; provided, that the said inspector shall in no case be authorized to receive or demand more than three cents per head for each head of cattle inspected, but if not, then said fees shall be paid by the person at whose instance said inspection was made; and if said inspection is made by the inspector, at his

own instance, and no stock is found in said herd except those properly accounted for under the provisions of this article, then said inspector shall receive no fees for said inspection."

Sec. 2. The fact that the present session of the Legislature is near its close, and the further fact that the cattle drive from this state to the north is now upon us, creates an imperative public necessity and emergency for the suspension of the constitutional rule requiring bills to be read on three several days and for the immediate passage of this act; therefore said rule is suspended, and this act shall be in force from and after its passage.

Approved July 5, A. D. 1879.

Takes effect from and after its passage.

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CHAPTER XXIII.—An act to amend article 3888, chapter five, title seventy-nine, of the Revised Civil Statutes.

Section 1. Be it enacted by the Legislature of the State of Texas, That article 3888, chapter five, title seventy-nine of the Revised Civil Statutes, shall be amended to read hereafter as follows:

"Article 3888. Whenever the field notes of a survey have been returned to the general land office, and upon examination the same are found to be in conflict with previous claims, it shall be lawful for the rightful claimant of the certificate, so located in conflict, to file his affidavit with the commissioner, setting forth that the certificate was not intentionally so located in conflict, but that he believed at the date of such location that the land covered thereby was vacant and unappropriated public domain; to abandon said survey and surrender all claim thereto by reason of the file, entry and survey made by him, and to receive from the commissioner a copy of the certificate on which the same was based, if such certificate be valid and genuine; and it shall be the duty of the commissioner to indorse upon the said copy that the original certificate is floated, and the county where the land is situated which is covered by such floated certificate, and that the copy is given in lieu of the original, but without any prejudice to the rights of any person by virtue of said certificate, and that the said copy may be located upon any unappropriated or vacant land."

Approved July 5, A. D. 1879.

Takes effect ninety days after adjournment.

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CHAPTER XXIV.—An act to validate the titles to land reserved from location or patent at the time titles issued thereto.

Whereas, Harrassing and vexatious litigation is likely to arise that may result in dispossessing many of the people of the state of their lands acquired in good faith, on account of patents having been issued thereto at the time reservations existed, withholding the same from such appropriation, there exists an urgent public necessity for a law giving immediate security and protection to such titles; and it is therefore enacted that this law go into effect from and after its passage.

Section 1. Be it enacted by the Legislature of the State of Texas, That the titles to all lands already patented by virtue of any genuine land certificate or other legal evidence of claim to land be and the same

are hereby validated, notwithstanding the existence of any reservation at the time the same were either located or patented.

Sec. 2. There is reserved and excepted from the operation of this law all conflicting vested rights that have accrued before the passage of this law; provided, that this act shall not apply to reservations which under the constitution or existing laws of this state revert to the state for public free schools upon forfeiture of grants or failure of the conditions of the reservation, nor to locations or patents made or issued upon alternate sections surveyed for the state within said reservations.

Sec. 3. The near approach of the close of the session creates an imperative public necessity, that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended.

Approved July 5, A. D. 1879.

Takes effect from and after its passage.

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**CHAPTER XXV.—An act to amend the first section of "an act prescribing the times of holding the district courts of the second judicial district."**

Section 1. Be it enacted by the Legislature of the State of Texas, That section one of the above recited act be so amended as hereafter to read as follows:

"Section 1. That the district courts of the second judicial district shall be holden at the times hereinafter specified, to wit: In the county of Rusk, on the first Mondays in January and July, and may continue in session six weeks; in the county of Panola, on the sixth Mondays after the first Mondays in January and July, and may continue in session four weeks; in the county of Shelby, on the tenth Mondays after the first Mondays in January and July, and may continue in session three weeks; in the county of Harrison, on the sixteenth Mondays after the first Mondays in January and July, and may continue in session until the business is disposed of."

Sec. 2. Whereas, the near approach of the adjournment of the present session of the Legislature, and the necessity for the passage of this bill creates an emergency and public necessity for the suspension of the constitutional rule requiring bills to be read on three several days in each house so that this bill take effect and be in force from and after its passage, therefore said rule is hereby suspended and this act shall take effect and be in force from and after its passage.

Approved July, 8, A. D. 1879.

Takes effect from and after its passage.

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**CHAPTER XXVI.—An act to diminish the civil and criminal jurisdiction of the county courts of Erath, Comanche, Eastland, Red River, Palo Pinto, Stephens, Throckmorton, Taylor, Callahan, Panola, Cass and Bowie counties, and conform the jurisdiction of the district courts of said counties to such change.**

Section 1. Be it resolved by the Legislature of the State of Texas, That the county courts of Erath, Comanche, Eastland, Red River, Palo Pinto, Stephens, Throckmorton, Taylor, Callahan, Panola, Cass and Bowie counties shall have and exercise the general jurisdiction of pro-

bate courts, shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis and common drunkards, grant letters testamentary and of administration, settle accounts of executors, administrators and guardians, transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis and common drunkards, including the partition settlement and distribution of estates of deceased persons, and to apprentice minors as prescribed by law, and to issue all writs necessary to the enforcement of their jurisdiction, and to punish contempts under such provisions as are or may be provided by general law governing county courts throughout the state; but said county courts shall have no other jurisdiction, civil or criminal.

Sec. 2. That the district courts of said counties shall have and exercise jurisdiction in all matters and causes, civil and criminal, over which by the general laws of the State the county courts of said counties would have jurisdiction except as provided in section one of this act, and that all cases other than probate matters and such as are provided in section one of this act be and the same are hereby transferred to the district courts of said counties, and all writs and process, civil and criminal, heretofore issued by or out of said county court, other than those pertaining to matters over which by section one of this act jurisdiction is given to the county courts of said counties, be and the same are hereby made returnable to the next term of the district courts in and for said counties.

Sec. 3. That the clerks of the county courts of the counties aforesaid be and they are hereby required, within twenty days after the passage of this act, to make a full and complete transcript of all the entries on their dockets, civil and criminal, heretofore made in causes which by section two of this act are transferred to the district courts of said counties, and file the same, together with all original paper of all said causes and proceedings, with the clerks of the district courts of said counties; and all such causes shall immediately be docketed by the clerks of the district courts of said counties, and shall stand on the dockets of said courts as appearance causes for the next term of said courts; and for each of said transcripts the county clerk shall receive twenty cents per one hundred words, and fifty cents for certificate thereto, to be taxed as cost against the party cast in the suit, if a civil suit, and if criminal, against the defendant, if convicted; provided, the change of civil jurisdiction provided for in this act shall not apply to Red River county.

Sec. 4. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 5. Whereas, the immediate operation of the provisions of this act will save the counties herein named a large and unnecessary expense, and thereby an emergency exists which justifies that this act take effect thirty days after its passage, and it is so enacted. And whereas, the time is short which remains to this session, and there is a large amount of legislative business pending, creates an imperative public necessity which authorizes the suspension of the rule requiring this bill to be read on three several days, and said rule is so suspended.

Approved July 8, A. D. 1879.

Takes effect thirty days after its passage.

**CHAPTER XXVII.**—An act to amend article 3962, chapter ten, title seventy-nine of the Revised Statutes.

Section 1. Be it enacted by the Legislature of the State of Texas, That article 3962, chapter ten, title seventy-nine of the Revised Statutes shall hereafter read as follows:

“Article 3962. The commissioner of the general land office is authorized and required to patent surveys in the order in which they may be made ready for patenting without regard to the order of filing in the general land office or the order of application; provided, that when application is made for patent on any claim and the office fees therefor have been paid, such claim shall have preference over claims for which no application has been made; provided, such surveys shall have been regularly mapped, or there be sufficient evidence that no previous survey has been legally filed in the land office covering the same ground as represented on the maps of the office.”

Sec. 2. That the large amount of revenue to be secured to the state by this act and the near approach of the close of this extra session creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days, be suspended, and it is therefore so suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved July 8, A. D. 1879.

Takes effect ninety days after adjournment.

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**CHAPTER XXVIII.**—An act to provide for the sale of the alternate sections of land in organized counties, as surveyed by railroad companies and other works of internal improvement and set apart for the benefit of the common school fund; to provide for the investment of the proceeds, and to repeal all laws in conflict therewith.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the alternate sections of land in organized counties heretofore surveyed, or which may be hereafter surveyed by any railroad company or other work of internal improvement and set apart for the benefit of common schools, shall be brought into market and disposed of in the manner hereinafter provided.

Sec. 2. The county surveyor of the county in which said lands are located shall view and appraise the same, under oath, and make return of the same to the county commissioners' court, which court shall examine, approve or disapprove of the same, and may take other evidence to ascertain the true value of the land, and, in case of disapproval, said court shall fix a value thereto, and the valuation of said lands, in no case, shall be less than one dollar per acre. County surveyors acting as appraisers of lands in their respective counties shall each receive the sum of one dollar per section, and in no event to exceed fifty dollars for the appraisal of all the lands in any one county, to be paid out of the proceeds of the first sales of the land under the provisions of this act. Any person having improvements upon any of such lands, prior to the taking effect of this act, shall have the preference in the purchase thereof

for the period of six months next after taking effect hereof, at the valuation exclusive of the value of such improvements.

Sec. 3. That as soon as the appraisement is completed, the county commissioners' court shall prepare tabulated reports of their action, setting forth the following, viz: Number of survey, block, quantity in each survey, name of company or individual to whom the certificate was granted, price per acre of each section or quarter thereof, if differences exist, value of improvements, remarks giving general description of soil and water. One copy of the above report shall be filed in the office of the county surveyor, and shall constitute an archive of his office. One copy shall be forwarded to the commissioner of the general land office, and one copy to the treasurer of the state.

Sec. 4. That upon the receipt of the above report by the commissioner of the general land office, he shall examine the same, and if made in conformity with this act he shall notify the county surveyor of the fact; and until he receives such notice the surveyor shall not entertain any proposition for the purchase of said land.

Sec. 5. That so soon as the surveyor shall receive the notice provided for in section four of this act, he shall be authorized to receive application for the purchase of said lands in any quantity not less than one hundred and sixty acres, except fractions of less than one hundred and sixty acres that may now exist in said counties, provided, that one person or corporation shall not be allowed to purchase more than one section of said land when the same is classed as arable land suitable for farming purposes; but when the same is classed as land suitable only for grazing purposes, it shall be sold in quantities to suit the purchaser, but no person shall be permitted to purchase less than one hundred and sixty acres nor more than three sections.

Sec. 6. That any person desiring to purchase any of the above lands shall make application in writing to the county surveyor, designating the number of the survey, block, name of company or individual to whom the certificate, by virtue of which such survey was made, was issued, the quantity he or she wishes to purchase, and, if less than a whole section, the particular part of such section; provided, that no fraction of any section of less than one hundred and sixty acres shall be left by any such selection, and that no fractional section of less than three hundred and twenty acres shall be divided. The surveyor shall be entitled to a fee of one dollar for each application, to be paid by the applicant; and he shall, upon payment of said fee, record said application in a well bound book to be kept by him for that purpose; he shall endorse such application "Recorded," giving the date, page and volume of the record, and sign his name thereto, and deliver said application to the proposed purchaser.

Sec. 7. That the purchaser shall immediately forward to the state treasurer the above application, together with one-tenth of the appraised value of the land therein designated; provided, that one-fourth of the purchase money shall be paid in advance on all lands valuable only for the timber thereon. The treasurer shall enter a credit on his books in the name of the purchaser for the amount so received, giving such description of the land as will identify the same. He shall then issue his receipt for said amount and forward it, with the above named application, to the commissioner of the general land office, who shall file said application and receipt in his office, and issue his certificate in lieu thereof, setting forth the amount paid to the treasurer and the quantity and

valuation of the land applied for; which certificate shall authorize the county surveyor to survey the land embraced in the original application, and to enter the same on his books as sold, and he shall not entertain another application to purchase said lands until notified of their forfeiture as hereinafter specified; provided, that should the applicant fail to make his first payment of one-tenth of the appraised value of the land embraced in his application to the treasurer, and present the certificate of the commissioner of the general land office to the surveyor or his deputy within ninety days from the date of the record of his application, then and in that case the said land shall be again for sale and the surveyor shall be authorized to receive application for the same.

Sec. 8. That so soon as the application above named has been received by the surveyor, the applicant shall execute his obligation or promissory note for the balance of the appraised value of the land he desires to purchase, agreeing and stipulating to pay to the governor of the State of Texas and his successors in office, on the first day of January of each year, one-tenth of the amount of his obligation or promissory note, with ten per cent. interest on such amount of the principal as may be due at the date of each payment, giving in said obligation such description of the land purchased as is contained in his application; provided, that the purchaser may have the privilege of paying the entire amount of the appraised value of such land at the date of purchase, or such amount of principal and interest as may be due at any time subsequent to the execution of his obligation or promissory note; provided, that any payment of principal may be deferred for one or more years, except the first one-tenth or one-fourth, but all payments of both principal and interest must be paid inside of ten years, and all interest must be paid annually on or before the first day of March of each year. Where any land sold under the provisions of this act shall be timbered land, no person shall have the right to cut and remove any of the timber therefrom for the purpose of selling the same until the purchase money for said land has been paid in full.

Sec. 9. That the note or obligation so executed by the purchaser, shall be forwarded to the commissioner of the general land office, and he shall have the same registered in a well bound book kept for that purpose, setting forth the name of the purchaser, the amount and date of the obligation or note, the tract or tracts for which it is given, and the county in which situated; and shall then endorse the same "Registered," with the date of such registry, sign his name thereto, and deliver the same to the treasurer of the state who shall carefully file the same in his office.

Sec. 10. That upon presentation of the certificate of the commissioner of the general land office provided for in section seven of this act, to the surveyor or his deputy, the said surveyor shall immediately proceed to survey the land embraced in the original application of the purchaser; he shall record the field notes of such survey or surveys in his office and forward the same, duly certified, to the commissioner of the general land office, who shall file the same with the application and treasurer's receipt of said purchaser. For the surveying and recording herein provided for, the surveyor shall be entitled to the legal fees provided by law, to be paid by the purchaser; provided, that when the field notes are on file in the general land office, the applicant shall not be required to have the same surveyed.

Sec. 11. That the commissioner of the general land office shall pro-



cure a well bound book in which shall be kept an account with the purchaser of said lands, showing the amount for which the original obligation was given and the interest accruing thereon; and it shall be the duty of the state treasurer, upon the payment of the amount due by any purchaser of these lands, to execute his receipt for the same in the name of the purchaser, and deliver said receipt to the commissioner of the general land office, who shall credit the account of said purchaser with the amount so paid, and forward his certificate of such payment to the purchaser.

Sec. 12. If, upon the first day of March following the maturity of any payment, the interest on money due has not been paid to the state treasurer, and his receipt filed with the commissioner of the general land office, as provided in section eleven of this act, it shall be the duty of said commissioner to notify the county or district attorney of the county in which such land is situated of such failure, giving the name of the purchaser so failing to make payment, with the amount and date of his note, and the amount of principal and interest due at the time of such failure; and upon the receipt of such notice it shall be the duty of the county or district attorney to cause a writ to be issued and served on the purchaser, or, in case of his death, upon his heirs or legal representatives, requiring him or them to show cause why he or they should not be ejected from such land; and upon his or their failure to show that the annual installments of interest have been paid, as above provided, a judgment shall be rendered against him or them, and a writ of possession shall be issued in favor of the state. That a copy of such judgment, under the signature and seal of the clerk of the court rendering the judgment, shall be forwarded to the state treasurer, who shall immediately indorse the obligation of such purchaser "forfeited," note the fact of such endorsement on the copy of judgment aforesaid, and forward the same to the commissioner of the general land office. The said commissioner shall file said copy of judgment with the claim of such defaulting purchaser, and shall note such forfeiture on the account kept with said purchaser, and shall notify the surveyor of the county in which said land is situated that said land is again for sale.

Sec. 13. That such forfeited tracts shall be sold in the same manner as hereinbefore provided for the original sale of such lands; provided, however, that any improvements on said land shall be paid for by the purchaser, and the value of said improvements shall be assessed by the board of appraisers hereinbefore provided for, or such other persons as the governor may designate, when the same proceedings may be had as provided in this act for the original appraisalment and purchase.

Sec. 14. That should any purchaser die before the payment of any one installment, and interest thereon falls due, his administrator, executor or heirs shall have an extension of twelve months within which to pay the same.

Sec. 15. That in case any purchaser desires to sell said land after he has made his first payment on the same, he may do so, but in that event his vendee shall file in the general land office a properly authenticated transfer from said purchaser, and said vendee shall be liable to the obligations and penalties imposed upon said original purchaser; and upon final and full payment on any purchase made under the provisions of this act, the commissioner of the general land office shall issue a patent to the purchaser making the same, or to his vendee or heirs; provided,

no one patent so issued shall include more than one section of land, nor portions of any two sections.

Sec. 16. Said lands shall be subject to taxation from the date of the first payment into the treasury of the state.

Sec. 17. That the proceeds arising from the sale of these lands shall be paid into the common school funds; the principal to be invested in United States or state bonds, and the interest arising therefrom shall be applied to the use of common schools.

Sec. 18. The commissioner of the general land office and the attorney general shall prescribe such minute details as may be necessary to carry out the objects of this act, and necessary instructions to surveyors and appraisers.

Sec. 19. That all laws and parts of laws in conflict herewith are hereby repealed; provided, nothing herein contained shall effect the rights or obligations of purchasers of these lands under former laws.

Sec. 20. That whereas, the present session of the Legislature is so near final adjournment, and the existing law would operate almost to the destruction of the school fund and entail unreasonable expense upon the state, an emergency exists for the suspension of the constitutional rule requiring bills to be read on three several days in each house, and said rule is hereby suspended, and as a public necessity requires that this act should take effect and be in force from and after its passage, it is therefore so enacted.

Approved July 8, A. D. 1879.

Takes effect ninety days after adjournment.

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CHAPTER XXIX.—An act to amend “an act to authorize the governor, attorney general and superintendent of the penitentiary to contract for conveying convicts from the places where sentenced to the penitentiary,” approved April 22, 1879.

Section 1. Be it enacted by the Legislature of the State of Texas, That section two of the above recited act be so amended as to hereafter read as follows:

“Section 2. That the operation of all laws concerning the transportation of convicts be and the same are hereby declared to be suspended during the existence of any such contract as that provided in the preceding section, and the governor shall by proclamation give notice for the making of such contract, and a copy of such proclamation shall be forwarded by the secretary of state to each sheriff in the state, and each sheriff shall, after the issuance of said proclamation, upon demand, deliver to the order of the party contracting with the state, all convicts, together with a copy of the decree of the court before which said convict or convicts were tried, convicted and sentenced, taking and filing among the papers in his office a receipt therefor. When a contract is made according to the terms of this act, the contractors shall enter into a bond in the sum of twenty thousand dollars, payable to the governor and his successors in office, with two or more securities, to be approved by said board, conditioned that said contractor will faithfully and fully carry out and comply with said contract; provided, that should the person making such contract fail or refuse to call on the sheriff of any county for any convicts where the place of confinement of the prisoner or prisoners is

within fifteen miles of a point having railroad connection with the penitentiary, within seven days, or where the place of confinement of the prisoner or prisoners in (is) not less than fifteen nor more than sixty miles from a point having railroad connection with the penitentiary within ten days, or where the place of confinement of the prisoner or prisoners is not less than sixty nor more than one hundred and fifty miles from a point having railroad connection with the penitentiary within fifteen days, or where the place of confinement of the prisoner or prisoners is not less than one hundred and fifty miles from a point having railroad connection with the penitentiary within twenty days after the adjournment of the court in which said convict or convicts were tried, then the sheriff shall proceed at once to convey such convicts to the penitentiary as though no such contract had been entered into; and when he does so convey convicts to the penitentiary, he shall receive such compensation for so doing as he would be allowed by law if no contract existed; the same to be paid by such contractor upon the delivery of such convict by the sheriff inside the walls of the penitentiary, and should such contractor fail or refuse to pay the sheriff it shall be the duty of the comptroller to draw his warrant for the amount due in favor of the sheriff on the appropriation to carry out the contract, and the same shall be paid out of said appropriation and deducted from the moneys paid such contractor for conveying convicts to the penitentiary.

Sec. 2. The fact that a contract is already made for carrying convicts to the penitentiary, creates an imperative public necessity that this bill go into immediate effect and it is so enacted.

Approved July 8, A. D. 1879.

Takes effect from and after its passage.

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CHAPTER XXX.—An act to reorganize the tenth judicial district of this state, to fix the times of holding the terms of the district courts therein, and attaching certain counties to the county of Wheeler for judicial purposes and for purposes of organization.

Section 1. Be it enacted by the Legislature of the State of Texas, That the counties of Cooke, Denton, Wise, Archer, Wichita, Clay, Montague and Wheeler be and the same are hereby constituted the tenth judicial district.

Sec. 2. That the district courts in the counties comprising the tenth judicial district shall be holden as follows: In the county of Cooke, on the first Mondays in February and August, and may continue in session six weeks; in the county of Denton, on the sixth Mondays after the first Mondays in February and August, and may continue in session six weeks; in the county of Wise, on the twelfth Mondays after the first Mondays in February and August, and may continue in session four weeks; in the county of Archer, on the sixteenth Mondays after the first Mondays in February and August, and may continue in session one week; in the county of Wichita, on the seventeenth Mondays after the first Mondays in February and August, and may continue in session one week; in the county of Clay, on the eighteenth Mondays after the first Mondays in February and August, and may continue in session two weeks; in the county of Montague, on the twentieth Mondays after the first Mondays in February and August, and may continue in session three weeks; in the

county of Wheeler, on the twenty-fourth Mondays after the first Mondays in February and August, and may continue in session until the business is disposed of.

Sec. 3. That the unorganized counties of Childress, Hall, Briscoe, Swisher, Castro, Parmer, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Gray, Carson, Potter, Oldham, Hartley, Moore, Hutchison, Roberts, Hemphill, Lipscomb, Ochiltree, Hansford, Sherman, Dallam and Greer are hereby attached to Wheeler county for judicial purposes and for purposes of organization.

Sec. 4. The near approach of the close of the present session of this Legislature creates an imperative public necessity for the suspension of the rule requiring this bill to be read on three several days, and said rule is therefore so suspended.

Approved July 8, A. D. 1879.

Takes effect ninety days after adjournment.

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CHAPTER XXXI.—An act defining the manner in which lands sold at tax sales, to individuals, may be redeemed by the owner.

Section 1. Be it enacted by the Legislature of the State of Texas, That any person having the right to redeem any land sold at tax sale may do so by payment, within the time prescribed by law, to the collector of taxes of the county in which the said land was sold of the amount which the law requires to be paid; provided, that the owner of said land, or his agent, shall first have made affidavit before some officer authorized by law to administer oaths, that he has made diligent search in the county where said land is situated for the purchaser thereof at the tax sale, and has failed to find him; or that the purchaser at such tax sale is not a resident of the county in which the land is situated, or that he and the purchaser cannot agree on the amount of redemption money. In such cases only shall the owner or agent be authorized to redeem the same by the payment to the collector of taxes.

Sec. 2. It shall be the duty of any collector of taxes, to whom payment is made under the provisions of this act, to give a receipt therefor, signed by him officially, in the presence of two witnesses, which said receipt, when duly recorded, shall be notice to all persons that the land therein described has been redeemed; and the collector of taxes shall, on demand, pay over to the purchaser at said tax sale the money thus received by him.

Sec. 3. The fact that the time given for redemption in tax sales for the year 1877 expires in a few weeks, whereby many parties may suffer by litigation and otherwise if no speedy remedy is provided, creates such a public necessity and emergency as to justify the suspension of the rule requiring bills to be read on three several days; therefore, said rule is suspended, and this act shall take effect and be in force from and after its passage.

Approved July 8, A. D. 1879.

Takes effect from and after its passage.

CHAPTER XXXII.—An act to exempt from taxation horse racing when run over a distance of four hundred and forty yards.

Section 1. Be it enacted by the Legislature of the State of Texas, That all laws and parts of laws which impose a tax on the privilege of running a horse race over a distance of four hundred and forty yards, be and the same are hereby repealed.

Sec. 2. The fact that the existing law tends to discourage the trial of the of speed horses at the approaching fairs and agricultural associations, creates an emergency and an imperative public necessity that the rule should be suspended which requires bills to be read on three several days, and that this act take effect and be in force from and after its passage.

Approved July 8, A. D. 1879.

Takes effect ninety days after adjournment.

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CHAPTER XXXIII.—An act to repeal “an act to provide for the record of contracts relating to land in a manner that will distinguish community from separate property,” approved April 21, 1879.

Section 1. Be it enacted by the Legislature of the State of Texas, That an act entitled “An act to provide for the record of contracts relating to land in a manner that will distinguish community from separate property,” approved April 21, 1879, be and the same is hereby repealed.

Sec. 2. The confusion and injustice that will be occasioned by the existence of the law repealed by this act, creates an emergency for its immediate repeal, and it is therefore enacted that this act take effect and be in force from and after its passage; and from the late hour of the session an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and it is therefore so suspended.

Approved July 9, A. D. 1879.

Takes effect from and after its passage.

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CHAPTER XXXIV.—An act to create a commission of arbitration and award and define the powers and duties thereof, and to make appropriation to pay the salaries of the judges thereof.

Section 1. Be it enacted by the Legislature of the State of Texas, That a commission of arbitration and award to consist of three persons learned in the law, to be appointed by the governor, by and with the advice and consent of the Senate, if in session, who shall hold their offices for two years from the date of their appointment and receive for their services the same salary as judges of the supreme court, be and the same is hereby created to be styled the “commissioners of appeals of the State of Texas.” In case of a vacancy on said commission by the death or resignation of any member thereof, during a vacancy of the Legislature, it shall be the duty of the governor to fill the same by appointment, the

person appointed to continue in office until the next session of the Legislature after the appointment.

Sec. 2. Said commission shall have the power to head and pronounce award upon all civil cases now or hereafter pending in the supreme court or the court of appeals, wherein the parties or their attorneys may file consent in writing to the reference thereof to said commission.

Sec. 3. Said commission shall hold its sessions at the same times and places as the supreme court, and shall appoint one clerk if necessary, and if no such clerk be appointed, the duties of that office shall be performed by the clerks of the supreme court and of the court of appeals respectively, at the different branches thereof, who shall receive in either case the same fees as are allowed by law to the clerks of the supreme court for like services.

Sec. 4. Said commission shall have a seal, being a star with five points and the words "Commissioners of Appeals of the State of Texas" around the same. Regular dockets and minutes of all proceedings by or before said commission shall be kept, and the records and proceedings thereof shall be entitled to the same verity as are records and proceedings of courts of record, and all cases shall be docketed in the order of date of filing of written consent provided in this act.

Sec. 5. Said commission shall have the right to issue writs of certiorari to perfect the record and such process as the supreme court might issue to make parties, and shall have the power to punish for contempt.

Sec. 6. All laws and rules regulating the practice and procedure in the supreme court shall be of force in the practice and proceedings of said commission so far as the same are applicable, and all applications for rehearing in cases referred to said commission shall be made before and determined by the commission.

Sec. 7. Said commission shall reports its conclusions or award to the supreme court or court of appeals, as the case may be, in the cases so referred, and may accompany the same with a brief synopsis of the case and their opinion thereon; and the conclusions or award aforesaid shall be and become the judgment of the said supreme court or the court of appeals aforesaid, and said courts shall make and render such further order, judgment or decree thereon as may be necessary or proper to make said award effective.

Sec. 8. The opinions of said commission shall not be published in the reports of the decisions of the supreme court nor the court of appeals, nor shall the same have any further or other effect than to determine the particular cause wherein rendered, and shall have no force or effect or authority as precedent in other causes.

Sec. 9. And the sum of seventeen thousand seven hundred and fifty-four dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the payment of the salaries of the judges of said commission for the period ending first of March, 1881.

Sec. 10. Whereas, the near approach of the close of the present session of this Legislature and the limited time allowed to legislation, and an imperative public necessity exists for the suspension of the constitutional rule requiring bills to be read on three several days, and it is hereby enacted that said rule is suspended, and the fact that the accumulation of business in the supreme court and in the court of appeals is so great as to prevent, in ordinary course, that speedy determination to litigation which is essential to justice, creates an emergency that requires

this act to take effect at once, and it is therefore enacted that this act shall take effect and be in force from and after its passage.

Approved July 9, A. D. 1879.

Takes effect ninety days after adjournment.

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CHAPTER XXXV.—An act making provision for the return to the comptroller's office, before the meeting of each regular session of the Legislature, of all sheriffs', attorneys' or other valid claims against the state, for which warrants may not have been issued, so that correct estimates may be made of any deficiencies in the appropriations, and to provide against issuance of "O K" certificates.

Section 1. Be it enacted by the Legislature of the State of Texas, That all sheriffs, attorneys and all other parties holding claims against the State of Texas for which no warrants have been issued, and the appropriation for which has been exhausted, shall present the same to the comptroller of the State of Texas for his consideration at least thirty days before the meeting of each regular session of the Legislature of the State of Texas.

Sec. 2. The comptroller of the State of Texas is authorized and directed to audit no claims against the state not presented in the time prescribed in section one of this act, until all claims presented prior to that time have been considered and passed upon by him.

Sec. 3. The comptroller of the State of Texas shall keep a book for the purpose of registering and indexing all audited claims against the state, and on the meeting of the regular session of the Legislature, shall make a minute report of the same to the two houses thereof, giving the names and amounts of all audited claims.

Approved July 9, A. D. 1879.

Takes effect ninety days after adjournment.

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CHAPTER XXXVI.—An act to define who are agents of insurance companies and to fix their liability for acting without authority of law.

Section 1. Be it enacted by the Legislature of the State of Texas, That any person who solicits insurance on behalf of any insurance company, whether incorporated under the laws of this or any other state or foreign government, or who takes or transmits other than for himself any application for insurance or any policy of insurance to or from such company, or who advertises or otherwise gives notice that he will receive or transmit the same, or who shall receive or deliver a policy of insurance of any such company, or who shall examine or inspect any risk, or receive, or collect, or transmit any premium of insurance, or make or forward any diagram of any building or buildings, or do or perform any other act or thing in the making or consummating of any contract of insurance for or with any such insurance company other than for himself, or who shall examine into, or adjust or aid in adjusting any loss for or on behalf of any such insurance company, whether any of such acts shall be done at the instance or request, or by the employment of such insurance

company, or of or by any broker or other person, shall be held to be the agent of the company for which the act is done, or the risk is taken, as far as relates to all the liabilities, duties, requirements and penalties set forth in this act; provided, that the provisions of this act shall not apply to citizens of this state who arbitrate in the adjustment of losses between the insurers and the assured, nor to the adjustment of particular or general average losses of vessels or cargoes by marine adjusters who have paid an occupation tax of two hundred dollars for the year in which the adjustment is made; provided further, that the provisions of this act shall not apply to practicing attorneys-at-law in the State of Texas, acting in the regular transaction of their business as such attorneys-at-law, and who are not local agents, nor acting as adjusters for any insurance company.

Sec. 2. That any person who shall do or perform any of the acts or things mentioned in the preceding section for any insurance company hereinbefore referred to without such company having first complied with the requirements of the laws of this state, or having received the certificate of authority from the commissioner of insurance, statistics and history of the State of Texas, as required by law, shall be guilty of a misdemeanor, and on conviction by any court of competent jurisdiction for the first offense be fined five hundred dollars, and also a sum equal to the state, county and municipal licenses required to be paid by such insurance company for doing business in this state, and shall be imprisoned in the county jail where the offense is committed, for the period of three months, unless the fine assessed against him and the sum of licenses herein mentioned, and the cost of the court be sooner paid, and for any second or other offense such person shall be fined in the sum of one thousand dollars, and shall be imprisoned in the county jail for the period of six months, unless the fine assessed against him and the cost of the court be sooner paid.

Sec. 3. That whenever any person shall do or perform within this state any of the acts mentioned in the first section of this act, for or on behalf of any insurance company therein referred to, such company shall be held to be doing business in this state, and shall be subject to the same taxes, state, county and municipal, as insurance companies that have been legally qualified and admitted to do business in this state by agents or otherwise, are subject, the same to be assessed and collected as taxes are assessed and collected against such companies; and such persons so doing or performing any of such acts or things shall be personally liable for such taxes.

Sec. 4. That any person who shall do any of the acts mentioned in the first section of this act, for or on behalf of any insurance company, without such company has first complied with the requirements of the laws of this state, shall be personally liable to the holder of any policy of insurance in respect of which such act was done for any loss covered by the same.

Sec. 5. That all laws and parts of laws inconsistent with the provisions of this act be and the same are hereby repealed.

Sec. 6. That an imperative public emergency exists for the immediate passage of this act, and that the rule requiring bills to be read on three several days be suspended, and that a necessity exists that this act take effect from and after its passage that the interests of the state may be more fully protected, and it is so enacted.

Approved July 9, A. D. 1879.

Takes effect from and after its passage.



**CHAPTER XXXVII.**—An act supplementary to and amendatory of an act entitled “an act to amend and supplement the existing quarantine laws of the State of Texas, title eighty-three of Revised Statutes, approved April 10, A. D. 1879,” and to repeal article 4096 of Revised Statutes, title eighty-three, and to make an appropriation therefor.

Section 1. Be it enacted by the Legislature of the State of Texas, That it is hereby made the duty of the county courts of the several counties on the borders or coast of Texas, when required by the circular or proclamation of the governor, where there shall be no corporate town or city within such county requiring quarantine, to appoint competent quarantine guards or health officers at such place or places as may be designated by the governor; and should said duty be disregarded by the officers of such counties, then it shall be the duty of the governor to appoint such guards or quarantine officers, and whenever any local board fails or refuses to carry out an effective system of quarantine, the governor is authorized and required to enforce the same in such manner as may be necessary; said guards and health officers shall receive such pay, and in such manner as is provided for in section two of this act.

Sec. 2. Whenever the governor appoints any health or quarantine officers or guards, as provided for in article 4092, title 83 of the Revised Civil Statutes, such officer or officers or guards shall be paid not more than one hundred dollars per month, whilst on duty, for such services; said amount per month shall be approved by the state health officer and the governor, and when so approved, the comptroller shall draw his warrant on the treasurer for the amount so approved in the name of the party performing said quarantine services.

Sec. 3. That article 4090k, of an act entitled “An act to amend and supplement the existing quarantine laws of the State of Texas, title 83 of the Revised Statutes,” approved April 10, A. D. 1879, shall hereafter read as follows: “It shall be the duty of the quarantine officer of the state, county or city authorities, as the case may be, to furnish persons detained by them at quarantine stations with subsistence and shelter, not including the crews of vessels, except such as are removed by the quarantine officers; and said subsistence account, and all contracts for the construction of quarantine stations and wharves, and hire or purchase of boats or vessels accepted by the state health officer and the governor, and received by them after completion, and all accounts for the same and for all other expenses shall be approved by the governor, and when so approved the comptroller shall draw his warrant upon the treasurer in favor of the same for the amount specified;” and article 4096 of the Revised Statutes, title 83, is hereby repealed, and the sum of seven thousand dollars, or so much thereof as may be necessary, is hereby appropriated, in addition to the appropriation made at the regular session of the Sixteenth Legislature, out of any moneys in the treasury not otherwise appropriated, for the erection and construction of the necessary buildings, wharves, etc., for quarantine purposes; provided, that said moneys as well as the sum of five thousand dollars appropriated for like purposes at the regular session of the Sixteenth Legislature, be used at the following points and places: Brazos Santiago, Corpus Christi, Galveston, Indianola, Sabine Pass, Orange, Denison, Texarkana and Marshall.

Sec. 4. The near approach of the close of this session creates an imperative public necessity that the rule requiring a bill to be read on three several days be suspended, and therefore it is so suspended; and

the necessity to make effective the quarantine proclamation of the governor requires this bill to take effect from and after its passage, and it is so enacted.

Approved July 9, A. D. 1879.

Takes effect from and after its passage.

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**CHAPTER XXXVIII.**—An act supplementary to an act entitled “an act to provide for the organization of the state penitentiaries, and to regulate the management of the convicts therein,” approved March 24, 1879.

Section 1. Be it enacted by the Legislature of the State of Texas, That the governor shall appoint by and with the advice and consent of the Senate, when in session, one additional assistant superintendent of the state penitentiaries, who shall hold his office during the term of the governor, unless sooner discharged by the governor, who shall perform such duties and have such powers as are required of and authorized by the assistant superintendent in the act entitled “An act to provide for the organization of the state penitentiaries, and to regulate the management of the convicts therein, approved March 24, 1879,” and said assistant superintendent shall receive the same salary and emoluments as fixed by said act for the assistant superintendent.

Sec. 2. The additional assistant superintendent, together with the present assistant superintendent, shall divide the convict camps or places where convicts are employed into two divisions, and assign one assistant superintendent to each of said divisions; and said officers shall visit such camps or places where convicts are employed at least twice in each month and examine into and report to the governor all complaints preferred by convicts or by citizens, which may have been substantiated by satisfactory evidence, and they may exchange districts with each other in their discretion.

Sec. 3. Said assistant superintendents shall make reports of the condition of the convicts, their names and how treated and clothed, etc., in their respective divisions, as is now required by law of the assistant superintendent.

Sec. 4. It shall be the duty of the superintendent and assistant superintendent to have all convicts who may die while in custody, decently buried, and have each grave marked by a board with a suitable inscription, giving the name of the convict, what county he resided in, the date of his death, and his age, if known.

Sec. 5. The importance of the immediate passage of this bill, there being now only one assistant superintendent, and the welfare of the convicts and the interests of the state requiring one more such officer, and the fact that this session of the Legislature is limited to thirty days and the greater portion of the time having already expired, creates an emergency and an imperative public necessity for the immediate taking effect of this act, and for the suspension of the constitutional rule requiring bills to be read on three several [days]; and it is therefore enacted, that said rule is suspended, and that this act take effect and be in force from and after its passage.

Approved July 9, A. D. 1879.

Takes effect ninety days after adjournment.

**CHAPTER XXXIX.**—An act to provide for the sale, exchange or destruction of useless or injured property belonging to the state.

Section 1. Be it enacted by the Legislature of the State of Texas, That the commissioner of insurance, statistics and history, the state treasurer and the comptroller of public accounts be and they are hereby constituted a board to inspect and condemn for sale, exchange or destruction, such useless or injured property belonging to or controlled by either of the executive departments, state institutions or state boards, as to the majority of said board may be deemed proper for such disposition.

Sec. 2. That the said board shall, immediately upon the taking effect of this act, enter upon the performance of the duties herein prescribed, and shall keep a record of all its proceedings, which shall be kept and deposited in the office of the comptroller of public accounts; and the financial operations of said board shall be included in the annual reports of said officer. The proceeds arising from the sale or exchange of property described in the preceding section shall be, by said board, disposed of as follows, to wit:

First—all property acquired by exchange shall be delivered to the officer in charge of and used for the benefit of the department or institution from which the effects may have been taken that were used in making the said exchange. Second—all money realized from the sale of property received from either of the state institutions or state boards, shall be deposited in the state treasury to the credit of such institution or board furnishing the same, and shall be deemed a part of the fund for its support, during the current fiscal year, and shall be subject to the control of and disbursement by such institution or board. Third—all money realized from the sale of surplus cord-wood or other surplus of property on hand, purchased by either house of the Legislature, and from property received from any of the executive departments of the state, shall be deposited in the state treasury to the credit of the fund for the preservation and improvement of public buildings and grounds; and shall be used for the benefit and preservation of the same by the officer having supervision thereof, and subject to disbursement upon his certificate for labor performed or material furnished.

Sec. 3. All laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 4. There being no law in force for the rescue or preservation of public property contemplated by this act, an imperative public necessity and emergency exists for the passage of this act, it is therefore ordered that the rule be suspended, and it is enacted that this act take effect and be in force from and after its passage.

Approved July 9, A. D. 1879.

Takes effect from and after its passage.

**CHAPTER XL.**—An act to amend an act to amend article 4759 of the Revised Civil Statutes of the State of Texas, adopted on the 21st day of February, 1879, approved April 22, 1879, and to add article 4759a, article 4759b, article 4759c.

Section 1. Be it enacted by the Legislature of the State of Texas, That article 4759 of the above recited act be amended as follows:

"Article 4759. Should the collector of taxes fail to make sale of any real estate for want of a purchaser, he shall bid the same off for the state

for the taxes and penalties due and all costs accruing thereon, and execute a deed to the state; and one deed shall include all tracts of land bid off to the state at such tax sale, and make due return thereof, under such forms and directions as the comptroller may furnish and direct; and after sale and purchase by the state of any real estate, it shall not be lawful for said collector to levy upon or advertise or sell the same for any remaining or accrued taxes due thereon until the same shall have been redeemed by the owner or is sold by the state. Said collector shall, on final settlement of his accounts with the commissioners' court, and the comptroller of public accounts, be entitled to a credit for the amount of taxes due the state and county, respectively, for which the land and lots were bid off to the state."

"Article 4759a. That the owner, or his agent, of any lands that may have been conveyed to the state under the provisions of the foregoing article, desiring to redeem the same, may do so by depositing with the collector of the county in which the lands were sold, double the amount of the purchase money, and all accrued taxes thereon within two years from the date of the deed to the state, and it shall be the duty of such collector to execute a receipt to such owner, or agents, giving therein the amount of money received, and a description of the land so as to identify the same, and sign and seal the same officially, and upon presentation of such receipt to the comptroller of public accounts, he shall execute to the owner a relinquishment under his signature and seal of office, which may be admitted to record in like manner with other conveyances of land.

"Article 4759b. In case said land shall not have been redeemed as provided in article 4759a, then the same may be sold as provided by an act entitled 'An act to provide for the sale of all real estate bid off to the state by collectors of taxes at tax sales, the owners of which have not redeemed the same,' approved April 7, 1879.

"Article 4759c. All laws and parts of laws in conflict with the foregoing articles are hereby repealed, and particularly 'An act to amend section twenty-one of an act regulating the duties of tax collectors in reference to the seizure and sale of property of delinquent taxpayers, and to define the further duties, powers, qualifications and liabilities of collectors of taxes and to regulate their compensation, approved August 21, 1876,' approved April 19, 1879, be and the same are hereby repealed."

Sec. 2. Whereas, the near approach of the close of this session of the Legislature and the limited time for legislation, create an imperative public necessity authorizing the suspension of the rule requiring this bill to be read on three several days, and said rule is suspended, and the importance to the state of the legislation afforded by this act creates an emergency that this act should go into effect at once; therefore, this act shall take effect and be in force from and after its passage.

Approved July 9, A. D. 1879.

Takes effect from and after its passage.

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CHAPTER XLI.—An act to authorize the governor, comptroller and attorney general of the state to purchase additional lands for the use of penitentiaries, and to make an appropriation therefor.

Section 1. Be it enacted by the Legislature of the State of Texas, That the governor, comptroller and attorney general, when they deem it to the interest of the state, are authorized and empowered to purchase or exchange adjacent state lands for additional lots or parcels of lands

for the use and benefit of one or both of the penitentiaries of the state, and the sum of five hundred dollars, or so much thereof as may be necessary, to be paid out of the moneys received from the lessees of the penitentiary, be and the same is hereby appropriated to carry this act into effect; provided, they shall make no contract which involves the payment of a larger amount than that herein specified.

Sec. 2. The fact that we are near the close of this session of the Legislature, and the great necessity for the organization of the penitentiaries, create an imperative public necessity and emergency that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted, and this act shall take effect and be in force from and after its passage.

Approved July 9, A. D. 1879.

Takes effect ninety days after adjournment.

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CHAPTER XLII.—An act to amend article 1333 of the Revised Civil Statutes of the State of Texas, passed at the regular session of the Sixteenth Legislature, as amended by the act amendatory thereof, approved April 19, 1879.

Section 1. Be it enacted by the Legislature of the State of Texas, That article 1333 of the Revised Civil Statutes of the State of Texas, as amended by the act amendatory thereof, approved April 19, 1879, be amended so that said article shall hereafter read as follows:

"Article 1333. The jury shall render a general or special verdict as may be directed by the court, and the verdict shall comprehend the whole issue or all the issues submitted to them; and upon a trial by the court, the judge shall, at the request of either of the parties, also state in writing the conclusions of fact found by him separately from the conclusions of law, which conclusions of fact and law shall be filed with the clerk and shall constitute a part of the record; and in all cases where a special verdict of the jury is rendered, or the conclusions of fact found by the judge are separately stated, the court shall, unless the same be set aside, and new trial granted, render judgment thereon, and it shall be sufficient for the party excepting to the conclusions of law or judgment of the court, to cause it to be noted on the record in the judgment entry that he excepts thereto; and such party may thereupon take his appeal or writ of error without a statement of facts or further exceptions in the transcript, but the transcript shall in such case contain the special verdict or conclusions of fact and law aforesaid and the judgment rendered thereon."

Sec. 2. The fact that the passage of this act will facilitate the administration of justice, and the certainty of an early adjournment of the Legislature renders it doubtful whether this bill can be read on three several days; it is therefore enacted that the constitutional rule requiring this bill to be read on three several days be suspended and it is so suspended.

Approved July 9, A. D. 1879.

Takes effect ninety days after adjournment.

**CHAPTER XLIII.**—An act to provide for the assessment of sleeping, dining-room, palace and parlor cars assigned upon the railroads of this state, and to prescribe the method for levying and collecting the tax hereby imposed upon the same, and to repeal all former laws in conflict therewith.

Section 1. Be it enacted by the Legislature of the State of Texas, That any person, firm, company or corporation, owning or using in this state, sleeping, dining-room, palace or parlor cars, and run over the railroads therein, shall, in person or by their agent, report to the comptroller of this state, on or before the first day of January of each and every year, the number and valuation of sleeping, dining-room, palace or parlor cars so owned or assigned in this state at the time of said report. Said report of the number and value of said cars to be made under oath and to contain a clause to the effect that none of said cars have been temporarily withdrawn from said state before the date of said report, on the first day of January of each year, so as to avoid taxation. And in default of the person, firm, company or corporation making such report within thirty days after the time herein required to be made by themselves or agents, that the said comptroller is hereby empowered to make such assessment of the number and value thereof for the purpose of taxation; provided, that no greater number of cars shall be taxed than that number which shall be regularly or usually in the state.

Sec. 2. That there shall be levied and collected an annual direct ad valorem tax of one-half of one per cent. upon the value of the sleeping, dining-room, palace or parlor cars at the time of said assessment, in lieu of all other taxes upon said property, to be paid by said persons, firm, company or corporation to the comptroller of public accounts, on or before the first day of July in each and every year, and in default of such payment, the comptroller shall proceed to collect the same under the laws now in force for the collection of taxes; and the taxes herein imposed shall be and remain in lieu upon all the property of such persons, firm, company or corporation found in this state, and the comptroller is hereby empowered and directed to issue process upon the failure of such person, firm, company or corporation to pay the said tax, within the time herein specified, to the tax collector of any county in this state, in which the property of such persons, firm, company or corporation may be found, for purpose of enforcing the collection of the taxes herein imposed.

Sec. 3. That within thirty days after this act shall have taken effect, the persons, firm, company or corporation liable to tax under the preceding sections, shall make report of the cars and their value, as hereinbefore provided, to the comptroller of this state, and shall pay the ad valorem tax of one-half of one per cent. hereby imposed upon the same, on or before the first day of January thereafter, subject to the same penalties for default as provided for in the second section of this act.

Sec. 4. Should the comptroller and the persons, firm, company or corporations liable to tax under the provisions of this act, their agents or attorneys, fail to agree as to the valuation which shall be made of the property taxed hereunder, then they shall each select one disinterested person to make a valuation of such property. Should the two persons so selected fail to agree upon a valuation to be made, then they shall select a third disinterested person to act with them, and the valuation made by such persons so selected shall be accepted by all parties and the property rendered thereat.

Sec. 5. That all former laws imposing and levying any occupation taxes upon the property enumerated in this act for the purposes of state or county taxes, and all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 6. The near approach of the close of the present session of the Legislature, and the fact that the state should not delay any legislation that would enforce the collection of the taxes for the present year upon the property enumerated in this act, creates an imperative public necessity and an emergency for the suspension of the constitutional rule requiring this bill to be read on three several days, and for the immediate passage of this act said rule is therefore suspended, and this act shall take effect and be in force from and after its passage.

Approved July 9, A. D. 1879.

Takes effect ninety days after adjournment.

CHAPTER XLIV.—An act to amend chapter three, title fifteen of the Code of Criminal Procedure of the State of Texas, passed at the first session of the Sixteenth Legislature in the year 1879, by creating articles 1075 and 1076 thereof, relating to costs paid by counties.

Section 1. Be it enacted by the Legislature of the State of Texas, That chapter three, title fifteen of the Code of Criminal Procedure of the State of Texas, passed at the first session of the Sixteenth Legislature in the year 1879, shall be so amended that it shall contain articles 1075 and 1076, and so that said articles shall read as follows:

“Article 1075. There shall be paid to the county judge, by the county, the sum of three dollars for each criminal action tried and finally disposed of before him.

“Article 1076. The county judge shall present to the commissioners’ court of his county, at a regular term thereof, an account in writing, specifying each criminal action in which he claims the fee allowed by the preceding article, which account shall be certified to be correct by such judge, and the same shall be filed with the clerk of the county court. The commissioners’ court shall approve such account for such amount as they may find to be correct, and order a draft to be issued upon the county treasurer in favor of such judge for the amount so approved.”

Sec. 2. The near approach of the end of the session, and the fact that there is no provision in the law providing fees for county judges, creates an imperative public necessity and emergency that the rules requiring this bill to be read on three several days be suspended, and it is hereby suspended, and that this act take effect from and after its passage, and it is so enacted.

Approved July 9, A. D. 1879.

Takes effect from and after its passage.

CHAPTER XLV.—An act to prescribe what character of buildings shall be erected and what articles shall be manufactured at the East Texas Penitentiary at Rusk.

Section 1. Be it enacted by the Legislature of the State of Texas, That the “East Texas penitentiary board” in contracting for the building of workshops and other improvements necessary and proper to put

the East Texas penitentiary into operation, shall cause such improvements to be made and buildings to be erected as will, in its judgment, furnish employment for the largest number of convicts practicable, with machinery and tools which can be purchased and had without an extravagant outlay of money, and need not provide for the manufacture of iron exclusively, but shall provide for smelting and casting iron, and may provide for more extensive iron works, if, after experiment, it shall be found advisable.

Sec. 2. That the obscurity of the law relating to this subject creates an imperative public necessity that the rule requiring this bill to be read on three several days be suspended, and it is suspended, and that this act take effect from its passage, and it is so enacted.

Approved July 9, A. D. 1879.

Takes effect from and after its passage.

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CHAPTER XLVI.—An act to amend article 1057, 1058, and 1059 of the Code of Criminal Procedure of the State of Texas, adopted at the regular session of the Sixteenth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That articles 1057, 1058 and 1059 respectively of the Code of Criminal Procedure of the State of Texas, passed and adopted at the regular session of the Sixteenth Legislature, be so amended as to read as follows:

"Article 1057. Before the close of each term of the district court, the district or county attorney, sheriff and clerk of said court shall each make out a bill or account of the costs claimed to be due them by the state respectively in the felony cases tried at that term; the bill or account shall show—

"1. The style and number of the case in which the costs are claimed to have accrued.

"2. The offense charged against the defendant.

"3. The term of the court at which the case was disposed of.

"4. The disposition of the case and that the case was finally disposed of and no appeal taken.

"5. The name and number of defendants, and if more than one whether they were tried jointly or separately.

"6. Where each defendant was arrested, or witness served, stating the county in which the service was made, giving distance and direction from county seat of county in which the process is served, and mileage shall be charged for distance by the most direct and practicable route from the court whence such process issued to the place of service.

"7. In allowing mileage the judge shall ascertain whether the process was served on one or more of the parties named therein on the same tour, and shall allow mileage only for the number of miles actually traveled, and then only for the journey made at the time the service was perfected.

"8. The court shall inquire whether there have been several prosecutions for an offense or transaction that is but one offense in law, and if there is more than one prosecution for the same transaction or a portion thereof that could have been combined in one indictment against the same defendant, the judge shall allow fees to sheriffs, clerks and district and county attorneys in but one prosecution.



"9. Where the defendants in a case have severed on the trial, the judge shall not allow the charges for service of process and mileage to be duplicated in each case as tried, but only such additional fees shall be allowed as are caused by the severance.

"Article 1058. It shall be the duty of the district judge when any such bill is presented to him to examine the same carefully and to inquire into the correctness thereof, and approve the same in whole or part, or to disapprove the entire bill as the facts and law may require; and such bill, with the action of the judge thereon, shall be entered on the minutes of said court; and immediately on the rising of said court it shall be the duty of the clerk thereof to make a certified copy from the minutes of said court of said bill and the action of the judge thereon, and transmit the same by mail in registered letter to the comptroller of public accounts.

"Article 1059. It shall be the duty of the comptroller upon the receipt of such claim and said certified copy of the minutes of said court, to closely and carefully examine the same, and if correct to draw his warrant on the state treasurer for the amount due in favor of the officer entitled to the same; provided, that if the appropriation for paying such accounts is exhausted, the comptroller shall file the same away, if correct, and issue a certificate in the name of the officer entitled to the same, stating therein the amount of the claim and character of the service performed. And all such claims or accounts not transmitted to, or placed on file in the office of the comptroller of public accounts within six months from the date of the final disposition of the case in which the services were rendered, shall be forever barred."

Approved July 9, A. D. 1879.

Takes effect ninety days after adjournment.

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## CHAPTER XLVII.—An act defining the boundary lines of Montague county.

Section 1. Be it enacted by the Legislature of the State of Texas, That article 860 of the Revised Civil Statutes, adopted by the Sixteenth Legislature, February . . . , 1879, shall hereafter read as follows:

"Beginning six miles west of the northeast corner of Wise county; thence west with the north line of Wise and Jack counties to a point four miles west of the northeast corner of Jack county; thence due north to Red river; thence down said river with its meanders to a point due north of the beginning; thence due south to the place of beginning."

Sec. 2. That all laws and parts of laws in conflict with the above entitled act are hereby repealed.

Sec. 3. The near approach of the close of the session creates a public imperative necessity that the constitutional rule requiring bills to be read on three several days should be suspended, and it is so suspended.

Approved July 9, A. D. 1879.

Takes effect ninety days after adjournment.

**CHAPTER XLVIII.**—An act to prescribe the remedy and regulate the proceedings by quo warranto, and confer the jurisdiction in certain cases upon the district court of Travis county.

Section 1. Be it enacted by the Legislature of the State of Texas, That in case any person shall usurp, intrude into, or unlawfully hold or execute, or is now intruded into, or now unlawfully holds or executes any office or franchise, or any office in any corporation created by the authority of this state, or any public officer shall have done or suffered any act which by the provisions of law works a forfeiture of his office, or any association or number of persons shall act within this state as a corporation without being legally incorporated, or any incorporation does or omits any act which amounts to a surrender or a forfeiture of its rights and privileges as a corporation, or exercises powers not conferred by law, or if any railroad company doing business in this state shall charge an extortionate rate for the transportation of any freight or passengers, or refuse to draw or carry the cars of any other railroad company over its line as required by the laws of this state, the attorney general, or district or county attorney, of the proper county or district, either of his own accord or at the instance of any individual relator, may present a petition to the district court of the proper county, or any judge thereof, in vacation, for leave to file an information in the nature of a quo warranto, in the name of the State of Texas; and if such court or judge shall be satisfied that there is probable ground for the proceeding, the court or judge may grant the petition and order the information to be filed and process to issue.

Sec. 2. When it appears to the court or judge that the several rights of divers parties to the same office or franchise may properly be determined on one information, the court or judge may give leave to join all such persons in the same information in order to try their respective rights to such office or franchise.

Sec. 3. When the information is filed, as hereinbefore provided, the clerk shall issue citation in like form as in civil suits commanding the defendant to appear at the return time of said court to answer the relator in an information in the nature of a quo warranto. If the information is filed in vacation the citation shall be returnable on the first day of the next succeeding term; if in term time it may be made returnable on any day of the same term, not less than five days after the date of the writ, as shall be directed by the court.

Sec. 4. Every person or corporation who shall be cited as hereinbefore provided shall be entitled to all the rights in the trial and investigation of the matters alleged against him, as in cases of trial of civil causes in this state; and in case of appeal to the supreme court, to which either party shall be entitled, the said court shall give preference to such case and hear and determine the same at the earliest day practicable; and all such appeals shall be prosecuted to the term of the court in session, at either branch, or the first term to be held, if not in session, after judgment has been rendered in the district court.

Sec. 5. In case any person or corporation against whom any such is filed shall be adjudged guilty, as charged in the information, the court shall give judgment of ouster against such person or corporation from the office or franchise, and may fine such person or corporation for usurping, intruding into or unlawfully holding and executing such office or

franchise, and shall also give judgment in favor of the relator for the costs of the prosecution.

Sec. 6. The remedy and mode of procedure hereby prescribed shall be construed to be cumulative of any now existing.

Sec. 7. Suits against persons illegally claiming or holding any state office or appointment as contradistinguished to a county or district office, shall be brought in the district court of Travis county.

Sec. 8. Whereas, this session of the Legislature must adjourn in less than three days from this date, therefore there exists an imperative public necessity for the passage of this act to supply a defect now existing in the laws of this state; it is therefore enacted that the constitutional rule requiring bills to be read on three several days be suspended.

Approved July 9, A. D. 1879.

Takes effect ninety days after adjournment.

CHAPTER XLIX.—An act supplemental to and amendatory of an act entitled "An act to make an appropriation for the support of the state government for the years beginning March 1, 1879, and ending February 28, 1881," approved April 23, 1879.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money not otherwise appropriated for the periods hereinafter stated, viz: For the support of the public free schools for the years ending August 31, 1880 and 1881, one-sixth of all the ad valorem and occupation taxes that may be collected, exclusive of the cost of collection; all the annual poll tax levied for school purposes, exclusive of the cost of collection, and all the interest on the permanent school fund, including bonds and other interest-bearing indebtedness, now or hereafter belonging to said permanent school fund.

	YEARS ENDING	
	Feb. 28, 1880	Feb. 28, 1881
<b>Comptroller's Office.</b>		
For additional clerk force for extra work in assessing and collecting taxes in unorganized counties, and the collection of taxes from non-residents in unorganized counties under laws of the Sixteenth Legislature, not to exceed an average of \$75 per month wages for each clerk.....	\$6,000	\$6,000
repairs to building to make it secure.....	250	
furniture to building.....	100	
additional contingent fund.....	50	50
<b>Adjutant General's Office.</b>		
For increase pay of clerk.....	\$600	\$600
erection of armory building.....	250	
<b>Lunatic Asylum.</b>		
For provisions for fifty additional patients.....	\$11,000	\$12,000
additional attendants, seamstresses and laundresses .....	1,200	1,200
female attendant .....	180	180

Lunatic Asylum—continued.	YEARS ENDING	
	Feb. 29, 1880	Feb. 28, 1881
For additional bedding.....	\$500	
erecting water closet and removing old building.....	500	
forage for milch cows and horses.....	500	\$500
one female night watch.....	300	300
Any deficiency in an item of appropriation for the benefit of the asylum may be paid out of any other fund appropriated therefor, from which the same can be taken without creating a deficiency therein.		
Judiciary Department.		
For fees of sheriffs, clerks, attorneys, etc., in felony cases .....	\$60,000	\$60,000
Department of Insurance, Statistics and History.		
For additional clerk hire, so as to have one clerk for supreme court and state library.....	\$600	\$600
Treasury Department.		
For increase of salary of porter for treasury and comptroller's departments per year.....	\$180	\$180
Penitentiary.		
For contingent fund to enable the governor to take charge of the penitentiary at any time prior to February 28, 1881, if necessary.....	\$30,000	
guard at East Texas Penitentiary (1879).....	300	
Agricultural and Mechanical College.		
For cabinet, library and agricultural implements, to be expended as may be directed by the board to be paid out of interest arising from the university fund .....	\$7,500	\$7,500
Prairie View Agricultural College.		
Additional for the branch agricultural college for colored youths at Prairie View, to be taken from the university fund.....	\$1,600	
Sam Houston Normal School.		
For furniture .....	\$500	
Miscellaneous.		
For presidential electors in 1880.....	\$800	
rewards and expenses by the state in recovery of fugitives from justice .....	5,000	5,000
expenses of comptroller in selling bonds.....	500	
additional appropriation to carry out and put in force the occupation tax on retail liquor dealers, to be paid out of money received by the state from the sale of the bell punch machines for the two years ending February 28, 1881.....	10,000	
additional pay for engraving bonds.....	5,000	
additional appropriation for pay of architect of new capitol building, to be taken out of the proceeds of the first sale of the lands as provided in the act of the Sixteenth Legislature providing for the sale of three millions of acres of public domain for the erection of a new state capitol, approved February 20, 1879.....	1,500	

Miscellaneous—continued.	YEARS ENDING	
	Feb. 29, 1880	Feb. 28, 1881
For paying board of veterans provided for in "An act granting a land certificate of six hundred and forty acres to each of the indigent veterans who were engaged in the struggle for Texas independence, prior to and at the battle of San Jacinto, enrolled under act approved July 28, 1876," approved April 26, A. D. 1879, so much thereof as may be necessary.....	1,000	
interest on warrants (issued under "An act making appropriations for deficiencies beginning September 1, 1876, and ending February 28, 1879, and for previous years, passed by the regular session of the Sixteenth Legislature,") for time ending February 28, 1881.....		10,000

Sec. 2. The near approach of the close of the present session of the Legislature, and the fact that a portion of the interest provided for in this bill falls due in July, 1879, creates an imperative public necessity and emergency for the suspension of the constitutional rule requiring this bill to be read on three several days and for the immediate passage of this act, said rule is therefore suspended, and this act shall take effect and be in force from and after its passage.

Approved July 9, A. D. 1879.

Takes effect from and after its passage.

CHAPTER L.—An act to regulate the advertisement of sales of lands for taxes dues thereon, and of lands that have been sold for taxes and purchased by the state, and to repeal so much of article 4752 of the Revised Civil Statutes of Texas, adopted by the Sixteenth Legislature of the State of Texas at the first session thereof, and so much of section three of "An act to provide for the sale of all real estate bid off to the state by collectors of taxes at tax sales, the owners of which have not redeemed the same," as are or may be in conflict with the provisions of this act.

Section 1. Be it enacted by the Legislature of the State of Texas, That prior to the sale of any real property for taxes in any county in this state the collector of taxes shall advertise the same by posting a list of the names of the delinquents for thirty days as follows: One copy at the court house door of the county and a copy at two other public places in the county where the lands or lots are situated.

Sec. 2. That so much of the above recited acts, sections and articles and all laws and parts of laws in conflict with the provisions of this act, and all laws requiring collectors of taxes to advertise in newspapers any tax sales, be and the same are hereby repealed.

Sec. 3. Whereas, the end of the session is near at hand and the law as it now exists requires impossibilities of collectors of taxes and retards the collection of the state revenues; therefore, an emergency exists, and an imperative public necessity demands that the constitutional rule requiring

a bill to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved July 9, A. D. 1879.

Takes effect from and after its passage.

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CHAPTER LI.—An act to amend “An act to provide for the incorporation of associations that may be organized for the purpose of constructing railways, maintaining and operating the same, for prescribing and defining the duties and limiting the powers of such corporations when so organized,” approved August 15, 1876.

Section 1. Be it enacted by the Legislature of the State of Texas, That section thirty-one of “An act to provide for the incorporation of associations that may be organized for the purpose of constructing railways, maintaining and operating the same, for prescribing and defining the duties and limiting the powers of such corporations when so organized,” approved August 15, 1876, be so amended as to read as follows:

“Section 31. If any railway corporation, organized under this act, shall not, within two years after its articles of association shall be filed and recorded as provided in the second section of this act, begin the construction of its road and construct, equip and put in good running order at least ten miles of its proposed road; and if any such railroad corporation, after the first two years, shall fail to to construct, equip and put in good running order at least twenty additional miles of its road, each and every succeeding year, until the entire completion of its line, such corporation shall, in either of such cases, forfeit its corporate existence, and its powers shall cease as far as relates to that portion of said road then unfinished, and shall be incapable of resumption by any subsequent act of incorporation; provided, that any railroad company heretofore organized under the act to which this is an amendment, which shall, previous to the taking effect of this amendment, have graded as much as ten miles of its road-bed, shall have an additional time of twelve months from the day of the passage of this amended act to construct, equip and put in good running order at least ten miles of its proposed road, as required in the section herein amended; and any such company may then and thereafter proceed to construct twenty miles of its proposed road each and every succeeding year after the lapse of the additional period of twelve months hereby given, and shall not, in such case, forfeit its corporate existence or any of the powers or privileges conferred by said act or any other law of this state.”

Sec. 2. That article 4278 of chapter thirteen of the Revised Statutes be and the same is hereby repealed, in so far as it conflicts with the provisions of this act.

Sec. 3. The fact that the present extra session of the Sixteenth Legislature is limited to thirty days, and a good portion of the same having been exhausted, and the great interests involved in the provisions of this act, create an emergency and necessity for the immediate taking effect of the same; and it is therefore enacted that it be in force from and after its passage.

Approved July 14, A. D. 1879.

Takes effect from and after its passage.

CHAPTER LII.—An act to provide for the sale of a portion of the unappropriated public lands of the State of Texas, and the investment of the proceeds of such sale.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the vacant and unappropriated land situated in the following named counties, viz: Noland, Mitchell, Howard, Martin, Andrews, Gaines, Davidson [Dawson?], Borden, Scurry, Fisher, Stonewall, Kent, Garza, Lynn, Terry, Yoakum, Cockran, Hockley, Lubbock, Crosby, Dickens, King, Cottle, Motley, Floyd, Hale, Lamb, Bailey, Parmer, Castro, Swisher, Briscoe, Hall, Childress, Collingsworth, Donley, Armstrong, Randall, Deaf Smith, Oldham, Potter, Cordova, Gray, Wheeler, Hemphill, Roberts, Hutchins, Moore, Hartley, Davidson [Dawson?], Sherman, Hansford, Ochiltree and Lipscomb be and the same is hereby appropriated and set apart for sale, together with all the unappropriated lands situated and being within and included in the Pacific reservation, and together with such separate tracts of unappropriated public lands, situated in organized counties of this state, as contain not more than six hundred and forty acres; provided, that the three million and fifty thousand acres, heretofore appropriated for the building of a state capitol, shall have a preference right of location in the counties heretofore reserved for that purpose. The provisions of this act shall not be so construed as to prohibit the right of pre-empting within the bounds of the reservation here made; but any party shall have the same right of acquiring a homestead, within this reservation, under the pre-emption laws of this state, as he may have had prior to the passage of this act.

Sec. 2. That any person, firm or corporation, desiring to purchase any of the unappropriated lands herein set apart and reserved for sale, may do so by causing the tract or tracts which such person, firm or corporation desire to purchase to be surveyed by the authorized public surveyor of the county or district in which said land is situated.

Sec. 3. It shall be the duty of the surveyor, to whom application is made by responsible parties, to survey the lands designated in said application within three months from the date thereof, and within sixty days after said survey, to certify to, record and map the field-notes of said survey; and he shall also, within the said sixty days, return to and file the same in the general land office, as required by law in other cases.

Sec. 4. Surveyors shall be entitled to receive from applicants for the purchase of lands under the authority of this act all legal surveyor's fees for work done by them.

Sec. 5. Within sixty days after the return to and filing in the general land office of the surveyor's certificate, map and field notes of the land desired to be purchased, it shall be the right of the person, firm or corporation who has had the same surveyed to pay or cause to be paid into the treasury of the state the purchase money therefor at the rate of fifty cents per acre, and upon the presentation to the commissioner of the general land office of the receipt of the state treasurer for such purchase money, said commissioner shall issue to said person, firm or corporation a patent for the tract or tracts of land so surveyed and paid for.

Sec. 6. No tract of land shall be sold under the provisions of this act that contains more than six hundred and forty acres, and no tract shall have a greater frontage on any running stream, or permanent water, than one vara per acre for each survey of three hundred and twenty acres, or less, and three-fourth of one vara per acre for all other surveys.

Sec. 7. It shall be the duty of the commissioner of the general land office to give such general and specific instructions to surveyors in relation to the surveying of the public lands, under the provisions of this act, as may best subserve the interests of the state, and carry into force and effect the intent and purposes of this act.

Sec. 8. After the survey of any of the public domain authorized by this act, it shall not be lawful for any person to file or locate upon the land so surveyed, and such file or location shall be utterly null and void.

Sec. 9. Should any applicant for the purchase of public land fail, refuse or neglect to pay for the same, at the rate of fifty cents per acre within the time prescribed in section 5 of this act, he shall forfeit all right thereto, and shall not thereafter be allowed to purchase the same, but the land so surveyed may be sold by the commissioner of the general land office to any other person, firm or corporation, who shall pay into the treasury the purchase money therefor.

Sec. 10. One-half of the net proceeds of sales under the provisions of this act, shall be and are hereby set apart for the benefit of the public free schools of this state, and the comptroller of public accounts shall, under and by direction of the governor, invest the same in interest-bearing bonds of the State of Texas, or if said bonds are not to be obtained, then in interest-bearing bonds of the United States, the interest therefrom to be paid into the treasury as part of the available school fund. The balance of the net proceeds of sales under the provisions of this act shall be applied by the proper authorities to the payment and extinguishment of the bonded debt of the State of Texas as the same becomes due and payable. No surveys shall be made in any of the counties set aside for the state capitol, and in which said lands may be selected, until after the surveys of the three million and fifty thousand acres set aside for the construction of a new state capitol have been surveyed.

Sec. 11. Whereas, the close of the present session of the Legislature is near at hand, an imperative public necessity exists that the constitutional rule requiring this bill to be read on three several days be suspended, and it is therefore so enacted; and whereas, the unappropriated lands of the state are being rapidly taken up, a public emergency exists that this act take effect from and after its passage, it is therefore so enacted.

Approved July 14, A. D. 1879.

Takes effect ninety days after adjournment.

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CHAPTER LIII.—An act to amend article 3785, chapter three, title seventy-eight of the Revised Civil Statutes, passed at the regular session of the Sixteenth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That article 3785 of the Revised Civil Statutes of the State of Texas, as mentioned in the caption of this act, be so amended as to hereafter read as follows:

"Article 3785. If at an election held for that purpose, at which none but property taxpayers, as shown by the last assessment rolls, who are qualified voters of such city or town, shall vote, two-thirds of those voting shall vote in favor thereof, such an amount shall be raised by taxation not to exceed one-half of one per cent. in addition to the pro rata of the available school fund received from the state, as may be necessary to conduct the schools for ten months in the year."



Sec. 2. Whereas, the present session of the Legislature is near its close, and as some cities desire to immediately hold an election as contemplated in this act, an emergency and imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

NOTE.—The foregoing act was presented to the governor of Texas for his approval on the ninth day of July, 1879, and was neither approved by him nor returned to the House in which it originated with his objections thereto, within the time prescribed by the constitution, and thereupon became a law without his signature, July 17, 1879.

(Signed) JOHN D. TEMPLETON, Secretary of State.

Takes effect ninety days after adjournment.

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## SPECIAL LAW.

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### CHAPTER I.—An act to amend the charter of the city of Dallas.

Section 1. Be it enacted by the Legislature of the State of Texas, That section three of the charter of the city of Dallas be amended so as to read as follows:

“Section 3. The municipal government of the city of Dallas shall consist of a city council composed of the mayor and of two aldermen from each ward. A majority of the aldermen elect shall constitute a quorum for the transaction of business, except at called meetings, or meetings for the imposition of taxes, when two-thirds of a full board shall be required. The other officers of the corporation shall be a secretary, a treasurer, an assessor and collector, a city attorney, a city engineer and city marshal, and such other officers and agents as the city council may from time to time direct. The aldermen, mayor, city marshal, and the assessor and collector shall be elected by the qualified electors of the city of Dallas, as now provided for by the city charter. A city secretary, city attorney, treasurer and city engineer shall be elected by the city council at its first regular meeting in May, 1880, and every two years thereafter.”

Sec. 2. That section fifty-eight of same charter be amended by the addition of the following words: “Whenever the city council, as provided by charter, shall fix the compensation to be paid any officer, whether elected by the people or the council, they shall make the same a salary payable monthly out of the city treasury, and no officer shall be allowed any fees or perquisites of office, but all costs and penalties shall go into the general fund. No officer’s salary shall be fixed at a sum to exceed one hundred dollars per month, except the salary of assessor and collector, which shall not exceed three thousand dollars per annum.”

Sec. 3. That section ninety-nine (99) of the charter of said city shall be amended so as to read as follows:

“Section 99. All persons or corporations owning or holding personal property or real estate on the first day of any calendar year, shall be

liable for all municipal taxes levied thereon for the fiscal year beginning the April next following said January."

Sec. 4. That section one hundred (100) of the charter of said city be amended by the addition at its close of the following words:

"Whenever any person or corporation fails to render his or its property for taxation, or whenever any property is not rendered by the owner, his agent or attorney, the assessor and collector shall assess the same at its cash value, and if the owner is not known then it shall be assessed to unknown owners."

Sec. 5. That section 119 of said charter be amended so as to read as follows:

"Section 119. The taxes on all personal property and all poll taxes shall be due and payable on demand, as soon as the levy of taxes is made by the city council, and it shall be and is hereby made the duty of the assessor and collector, by virtue of his rolls, to seize upon and sell personal property sufficient to pay such taxes if the same is not paid on demand.

"When the assessor and collector distrains and seizes upon such property, he shall keep the same at the expense of the owner until sale is made, and shall give notice of the time and place of sale of the same by posting a written notice at the court house door in the city of Dallas and one other public place; the notice to be given at least ten days before the day of sale. He shall sell the same to the highest bidder for cash for all taxes, interest and costs, and expenses in caring for said property, and shall make an entry in the book of sales of the amount realized."

Sec. 6. That sections one hundred and thirty-five and one hundred and thirty-six of said charter be amended so as to read as follows:

"Whenever any real property is bid off to the city for delinquent taxes, or to any individual, the owner, his agent or attorney, may redeem the same at any time within two years from date of sale by paying the following amounts: All taxes paid or due, ten per cent. interest per annum on said amount of taxes from the time they became delinquent, and two and one-half dollars (\$2 50) as costs on each piece of property sold, and, as a further penalty, a sum equal to twenty-five per cent. of the amount of the delinquent tax if redeemed in three months; fifty per cent. penalty if redeemed in six months; seventy-five per cent. penalty if redeemed in one year; and one hundred per cent. penalty if redeemed thereafter within two years; the said penalty to go to the purchaser at tax sale, whether said purchaser be the city or an individual. The assessor and collector shall in no case be entitled to any fees or costs because of delinquent taxes, but all charges and penalties shall go into the city treasury. Whenever any property is bid in at the tax sale by the city or an individual an entry shall be made in the book of sales; provided further, that all property heretofore sold for delinquent taxes and purchased by the city, may be redeemed by the owner, his agent or attorney, on or before the expiration of two years from the time of sale of said property, and not thereafter, but in no case shall any forfeiture of said property be had before January 1, 1880."

Sec. 7. That section one hundred and sixty-five of the said charter of said city be amended by the addition of the following clause: "The city council may at any time advance money out of the general fund to procure right of way for opening a street, said money to be returned to the general fund out of the special tax fund whenever collected."

Sec. 8. The near approach of the end of the present session creates an

imperative public necessity that the rule requiring bills to be read on three several days to be suspended, and the same is hereby suspended; and the fact that the time is near at hand for the collection of the city taxes of said city, and the further fact that the present bill reduces greatly the expenses incidental to the collection thereof, and changes the pay of certain officers of said city, creates an emergency that this act go into effect immediately; therefore, this act shall take effect and be in force from and after its passage, and it is so enacted.

Approved July 9, A. D. 1879.

Takes effect from and after its passage.

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## JOINT RESOLUTION.

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No. 1.—Joint Resolution authorizing the state librarian to turn over to the Agricultural and Mechanical College of Texas specimens of mineral and other geological specimens in the geological department in said library in certain cases, and copies of all public documents of the state, published for distribution, and all apparatus belonging to the old geological survey.

Section 1. Be it resolved by the Legislature of the State of Texas, That the state librarian be and he is hereby authorized and required to turn over to the Agricultural and Mechanical College of Texas the duplicate specimens in the hands of the agent of the International railroad company of all minerals and other geological specimens in the geological department in said library, and copies of all public documents of the state published for distribution, and apparatus belonging to the old geological survey, for the use and benefit of said college.

Sec. 2. That said librarian be required to take an inventory of all specimens thus turned over to said college by him, and file the same in his office.

Sec. 3. The near approach of the close of this session of the Legislature, and the pressing need of geological specimens at said college for the better instruction of its pupils, create an imperative public necessity for the suspension of the constitutional rule requiring this resolution to be read on three several days; therefore, be it further resolved, that the constitutional rule be suspended and this resolution take effect and be in force from and after its passage.

Approved July 9, A. D. 1879.

Takes effect ninety days after adjournment.

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### THE STATE OF TEXAS, } DEPARTMENT OF STATE. }

I, John D. Templeton, secretary of state of the State of Texas, do hereby certify that the laws contained in this volume are true and correct copies of the enrolled bills now on file in this department. I further certify that the special session of the Sixteenth Legislature, convened at the city of Austin on the tenth day of June, A. D. 1879, and adjourned on the ninth day of July, A. D. 1879.

In testimony whereof, I hereto sign my name and affix the seal of the State of Texas, at Austin, on this the twenty-fifth

[L. S.] day of July, A. D. 1879.

JOHN D. TEMPLETON,  
Secretary of State.

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# **GENERAL LAWS**

**OF**

# **THE STATE OF TEXAS**

**PASSED AT THE**

**REGULAR SESSION OF THE SEVENTEENTH LEGISLATURE**

**CONVENED**

**AT THE CITY OF AUSTIN**

**JANUARY 11, 1881, AND ADJOURNED APRIL 1, 1881.**

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**BY AUTHORITY.**

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**GALVESTON  
1881**



# GENERAL LAWS OF TEXAS.

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**CHAPTER 1.**—An act making an appropriation for the mileage and per diem pay of the members, and per diem pay of the officers and employes, of the Seventeenth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of sixty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, for the payment of mileage and per diem of the members, and the payment of the per diem of the officers and employes, of the Seventeenth Legislature of the State of Texas.

Sec. 2. The certificate of the secretary of the Senate, approved by the president thereof, or the certificate of the chief clerk of the House, approved by the speaker thereof, shall be sufficient evidence to the comptroller, upon which he shall audit the claims and issue warrants upon the treasurer for the respective amounts.

Sec. 3. And whereas, the Seventeenth Legislature, for the payment of the officers and members of which this law is enacted, is now in session, and public policy requires their immediate payment, therefore, an emergency existing that this law take effect and be in force from and after its passage; and it is so enacted.

Approved January 17, A. D. 1881.

Takes effect from passage.

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**CHAPTER II.**—An act making an appropriation to defray the contingent expenses of the Seventeenth Legislature.

Whereas, It is of sufficient public importance that the contingent expenses of this Legislature be promptly paid, in order that the material furnished and labor performed may be procured at cash prices:

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of twenty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, to pay the contingent expenses of the Seventeenth Legislature. That, except in the case of accounts for printing done and stationery furnished, the certificate of the chairman of the committee on contingent expenses that an account has been examined and approved by said committee, and countersigned by the president of the Senate or the speaker of the House, as the case may be,

shall be sufficient authority to authorize and require the comptroller of public accounts to draw his warrant on the state treasury for the payment of any claim against said fund. The accounts for printing and stationery shall take the course prescribed by the Revised Statutes.

Sec. 2. That the want of an appropriation to pay the contingent expenses of the Seventeenth Legislature creates an imperative public necessity that the rule requiring this bill to be read on three several days in each house should be suspended, and it is so suspended; and this act shall take effect and be in force from and after its passage.

Approved January 24, A. D. 1881.

Takes effect from passage.

**CHAPTER III.—An act to amend article 435 of the Code of Criminal Procedure, providing for the transfer of indictments from the district courts to courts having jurisdiction thereof.**

Section 1. Be it enacted by the Legislature of the State of Texas, That article 435 of the Revised Code of Criminal Procedure of the State of Texas, adopted by the Sixteenth Legislature, be so amended as hereafter to read as follows:

“Article 435. Upon the filing of an indictment in the district court of each county in this State, which charges an offense over which such court has no jurisdiction, the judge of such court shall immediately, or as soon as convenient, make an order transferring the same to such inferior court as may have jurisdiction to try the offense therein charged, stating in such order the cause transferred, and to what court transferred.”

Approved February 5, A. D. 1881.

Takes effect ninety days after adjournment.

**CHAPTER IV.—An act to extend the time within which all persons whose lands have been sold for taxes and bought in by the State, may redeem the same.**

Section 1. Be it enacted by the Legislature of the State of Texas, That all lands which have been sold for taxes and bought in by the State shall be restored to the owners of the same, if, within twelve months from the passage of this act, said owners or their agents shall pay to the State the original taxes due thereon and taxes due for each year since said sale, with eight per cent. interest thereon per annum from the date of the accrual of each year's taxes and all costs which have accrued thereon, under such rules and regulations as shall be prescribed by the comptroller of the State.

- Sec. 2. Whereas, there are persons whose lands have been sold and are anxious to redeem the same, an emergency exists, and an imperative public necessity demands that the constitutional rule requiring a bill to be read on three several days, be suspended, and that this bill take effect and be in force from and after its passage.

Approved February 5, A. D. 1881.

Takes effect from passage.

**CHAPTER V.**—An act to repeal article four hundred and fifty-one (451), chapter six (6), of title seventeen (17), of “an act to adopt and establish the Revised Civil Statutes of the State of Texas.”

Section 1. Be it enacted by the Legislature of the State of Texas, That article four hundred and fifty-one (451), chapter (6), of title seventeen (17), of “an act to adopt and establish the Revised Civil Statutes of the State of Texas,” be and is hereby repealed.

Sec. 2. The conflict of the above article with other provisions of the Revised Civil Statutes regulating the mode of procedure in the seizure and sale of real estate for taxes in cities and towns creates an emergency which requires this bill to take effect from and after its passage; and it is so enacted.

Approved February 5, A. D. 1881.

Takes effect from passage.

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**CHAPTER VI.**—An act to amend section one of “an act to diminish the civil and criminal jurisdiction of the county courts of certain counties in this State, and conform the jurisdiction of the district courts of said counties to such change,” approved March 27, A. D. 1879.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county courts of the counties of Polk, Jasper, Newton, Blanco, Brown, Camp, Chambers, Coleman, Concho, Coryell, Crockett, El Paso, Franklin, Hamilton, Hardin, Jefferson, Liberty, Llano, Marion, Matagorda, McCulloch, Morris, Nacogdoches, Pecos, Presidio, Sabine, San Augustine, San Jacinto, San Saba, Shelby, Titus, Tom Green, Trinity, Tyler, Orange and Angelina shall have and exercise the general jurisdiction of probate courts; shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis and common drunkards; grant letters testamentary and of administration; settle accounts of executors, administrators and guardians; transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis and common drunkards; including the partition, settlement and distribution of estates of deceased persons, and to apprentice minors, as prescribed by law; and to issue all writs necessary to the enforcement of their jurisdiction, and to punish contempts under such provisions as are, or may be, provided by general law governing county courts throughout the State, and to have and exercise general jurisdiction over questions of eminent domain, as prescribed by law; but said county courts shall have no other jurisdiction, civil or criminal; provided, that this act shall not confer greater jurisdiction upon the county court of Shelby county than is already exercised by said court under the provisions of the act approved March 27, 1879, of which this act is amendatory.

Sec. 2. Whereas, it is impossible for the district courts in the counties herein named, to dispose of questions of eminent domain therein, without neglecting other business of said courts; and whereas, uncertainty exists as to jurisdiction in such cases, thereby an emergency exists and an imperative public necessity demands, that the constitutional rule, requiring a bill to be read on three several days, be suspended, and this bill take effect and be in force from and after its passage.

Approved February 9, A. D. 1881.

Takes effect from passage.

CHAPTER VII.—An act to amend “an act to create a commission of arbitration and award and define the powers and duties thereof, and to make appropriation to pay the salaries of the judges thereof,” approved July 9, A. D. 1879.

Section 1. Be it enacted by the Legislature of the State of Texas, That section 1 of an “an act to create a commission of arbitration and award, and define the powers and duties thereof, and to make appropriation to pay the salaries of the judges thereof,” approved July 9, 1879, shall hereafter read as follows:

“Section 1. A commission of arbitration and award, to consist of three persons learned in the law, to be appointed by the governor and by and with the advice and consent of the Senate, if in session, or without such advice and consent if not in session, who shall hold their offices for two years from October 1, A. D. 1881, and receive for their services the same salaries as judges of the supreme court of the State of Texas, be and the same is hereby created, to be styled the ‘Commission of Appeals of the State of Texas.’ In case of a vacancy on said commission by the death or resignation of any member thereof during the vacation of the Legislature, it shall be the duty of the governor to fill the same by appointment, and the person so appointed shall continue in office until the next session of the Legislature after the appointment.”

Sec. 2. Be it further enacted by the Legislature of the State of Texas, That in addition to the powers and duties now conferred by said act, the supreme court and court of appeals of this State are hereby authorized and empowered to refer to the commissioners of appeals of the State of Texas, any civil case or cases, now or hereafter pending before said courts, for examination and report thereon; and it shall be the duty of said supreme court and court of appeals, in order to relieve the dockets of said courts of the great number of cases now encumbering them, from time to time to refer to said commissioners of appeals so many of said cases now or hereafter pending in said courts, as may be reasonably considered and acted upon by the same, at the several sessions thereof; having respect in such reference, to the length of time such cases have been pending, as well as to promote an early disposition of the cases on the docket.

Sec. 3. When said commissioners of appeals have considered and determined upon the proper disposition of any case referred to the same, according to section 2 of this act, their opinion shall be submitted, together with a brief synopsis of the case, to the court from which the case was referred, and the record shall be returned therewith. The reports so made may be used by the respective courts to facilitate them in reaching a conclusion upon the law and facts of the case.

Sec. 4. The opinions of said commissioners of appeals in cases referred to it by the supreme court, when adopted by said court, shall be published as the opinions thereof as in other cases.

Sec. 5. That in cases referred to the “commissioners of appeals” under this act, the papers thereof shall not be refiled in said commission, and only such additional costs as may be essential to carry into effect the provisions hereof, shall be incurred by the parties to such cases by reason of the reference thereof.

Sec. 6. That section 1 of this act which provides for a continuance of the commission of appeals for two years from October 1, A. D. 1881, shall not take effect until October 1, 1881, and it shall become inoperative at said time, in case an amendment of the judiciary article of the consti-

tution of the State shall before then be submitted by the Legislature to the electors of the State, and adopted by the people providing for an increase of the judges of the supreme court.

Sec. 7. The accumulation of business in the supreme court and court of appeals is so great as to prevent that speedy determination to litigation which is essential to justice, an imperative public emergency exists for the immediate passage of this act, and that the rule requiring bills to be read on three several days be suspended, and as a public necessity requires that this act should take effect and be in force from and after its passage, it is therefore so enacted.

Approved February 9, A. D. 1881.

Takes effect from passage.

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**CHAPTER VIII.—An act to amend article 1289, chapter 11, title 29, of the Revised Civil Statutes of the State of Texas.**

Section 1. Be it enacted by the Legislature of the State of Texas, That article 1289, chapter 11, title 29, of the Revised Civil Statutes of the State of Texas be so amended as to hereafter read as follows:

"Article 1289. The court shall, at the first term after the passage of this act, by an order entered on the minutes, designate a day of the term for taking up for trial the causes on the jury civil docket at all subsequent terms, until changed by a like order; but, in case of change, it shall not take effect until the succeeding term of said court. In all cases in which juries have been demanded by either party, all questions of law, demurrers, exceptions to pleadings, shall, as far as practicable, be heard and determined by the court before the day designated for the trial of said jury causes, and all jurors shall be summoned to appear on the day of the term so designated."

Approved February 10, A. D. 1881.

Takes effect ninety days after adjournment.

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**CHAPTER IX.—An act authorizing the county commissioners' court of the several counties of this State to issue bonds for the erection of a court-house, and to levy a tax to pay for the same.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the county commissioners' court of any county which has no court-house at the county seat is hereby authorized and empowered to issue the bonds of said county, with interest coupons attached, in such amount as may be necessary to erect a suitable building for a court-house; said bonds running not exceeding fifteen years, and redeemable at the pleasure of the county, and bearing interest at a rate not exceeding eight per cent. per annum.

Sec. 2. The commissioners' court of the county shall levy an annual ad valorem tax on the property in said county sufficient to pay the interest, and create a sinking fund for the redemption of said bonds, not to exceed one-fourth of one per cent. for any one year.

Sec. 3. The county shall not issue a larger number of bonds than a tax of one-fourth of one per cent. annually will liquidate in ten years, and such bonds shall be sold only at their face or par value.



Sec. 4. The interest on said bonds shall be paid annually on the tenth day of April, and they shall be registered, and an account kept by the county treasurer of the amount of principal and interest paid on each.

Sec. 5. Said bonds shall be signed by the county judge, and countersigned by the county clerk, and registered by the county treasurer before they are delivered.

Sec. 6. The security and the protection and safe-keeping of the public records and archives of Robertson county make an imperative public necessity that the rule requiring the bill to be read on three several days be suspended, and it is so enacted, and this act shall take effect from and after the day of its passage.

Approved February 11, A. D. 1881.

Takes effect from passage.

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CHAPTER X.—An act to amend article 3812, title 79, of the Revised Civil Statutes of the State of Texas, passed by the Sixteenth Legislature February 21, 1879.

Section 1. Be it enacted by the Legislature of the State of Texas, That article 3812, title 79, of the Revised Civil Statutes of the State of Texas, passed by the Sixteenth Legislature February 21, 1879, be amended so as hereafter to read as follows:

"Article 3812. When a survey has become forfeited and void from any cause, so soon as such forfeiture is discovered the commissioner shall notify the party interested in such survey or location, in writing by mail, directed to such party at his postoffice address, if known, and if not known, directed to him at the county seat of the county in which the land is situated, of such forfeiture; and no new file or location shall be made on the land covered by such forfeited survey or location, except by the owner of such forfeited survey or location, for a period of ninety days after the mailing of such notice, and the commissioner shall keep a record of the date said notice was mailed and the name of the party to whom the notice was mailed and the name of the postoffice to which said notice was addressed; and the record of such entries shall be prima facie evidence of the facts therein stated, and the absence of such entries shall be prima facie evidence that the notice required above had not been given."

Approved February 11, A. D. 1881.

Takes effect ninety days after adjournment.

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CHAPTER XI.—An act to make an appropriation for the pay of assistant clerks in the comptroller's office for the month of February, 1881.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of two thousand dollars, or so much thereof as may be necessary, be and it is hereby appropriated for the payment of salaries of assistant clerks in the comptroller's office for the month of February, 1881, out of any money not otherwise appropriated.

Sec. 2. Whereas, the appropriation for the pay of assistant clerks in the comptroller's office is exhausted, and unless immediate provision be made for their pay the public service will seriously suffer, the constitutional rule requiring bills to be read on three several days is hereby suspended, and this act shall take effect from and after its passage.

Approved February 11, A. D. 1881.

Takes effect from passage.

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**CHAPTER XII.**—An act defining who are officers of this State, and prescribing their rights, powers, duties and privileges.

Section 1. Be it enacted by the Legislature of the State of Texas, That the comptroller of public accounts, the state treasurer, county commissioners' courts, county treasurers, and any and all other officers of this State, or of any municipal division thereof, whether herein enumerated or not, who are authorized or required by law to audit, or pay, or order to be paid, claims due from the State, or any county or municipal division thereof, to any person or persons, as a salary, or as fees, compensation, perquisites or emoluments for official services rendered by such person, as an officer thereof, shall, upon the demand of any citizen of this State, before auditing, paying, or ordering to be paid, any such claim as aforesaid, require such person presenting such claim, to produce the certificate of his election or appointment to such office, directed by the laws of this State to be issued to such officer; or, if his claim be founded upon the judgment or decree of a court of this State, authorized by the laws of this State to hear and determine the claims of persons to office, then a copy of the record of such judgment or decree certified under the hand and seal of the legal custodian of such record to be a true copy thereof.

Sec. 2. It shall not be lawful for any officer or court of this State, or of any municipal division thereof, to allow, audit, pay, or order to be paid, the claim of any person for salary, compensation, fees, perquisites, emoluments or services, as an officer of the State, or of any municipal division thereof, except to such person as has been duly elected such officer by the qualified voters of this State, and whose election has been ascertained and certified or declared in the manner required by the laws of this State, or who has been appointed such officer by the lawful appointing power under the constitution and laws of this State, or who has been adjudged entitled thereto by a State court of competent jurisdiction of this State, and has qualified as such officer in accordance with the requirements of the laws of this State.

Sec. 3. No person shall be held, by the laws of this State, entitled to pay for services as an officer thereof, or of any county or municipal division thereof, or to exercise any of the powers or jurisdiction of an officer thereof, unless he shall have been elected, appointed or adjudged entitled thereto, as specified in the second section of this act; and the official acts of any person claiming a right to exercise such powers or jurisdiction, contrary to the provisions of this act, are and shall be held to be null and void.

Sec. 4. No court of this State shall have power, authority or jurisdiction to issue the writ of mandamus, or injunction, or any other mandatory or compulsory writ or process against any of the officers of the execu-

tive departments of the government of this State, to order or compel the performance of any act or duty, which, by the laws of this State, they or either of them are authorized to perform, whether such act or duty be judicial, ministerial or discretionary.

Approved February 15, A. D. 1881.

Takes effect ninety days after adjournment.

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**CHAPTER XIII.**—An act to reorganize the tenth judicial district, and to establish the thirty-fifth judicial district, and prescribe the time for holding terms of courts therein, and providing for the appointment of a district attorney and a district judge for the thirty-fifth judicial district, and a district attorney for the tenth judicial district.

Section 1. Be it enacted by the Legislature of the State of Texas, That the counties of Cook, Denton, Wise and Montague be and the same are hereby constituted the tenth judicial district.

Sec. 2. The counties of Wheeler, Oldham, Donley, Collinsworth, Childress, Hall, Briscoe, Swisher, Castro, Parmer, Deaf Smith, Randall, Armstrong, Gray, Carson, Potter, Hartley, Moore, Hutchinson, Roberts, Hemphill, Lipscomb, Ochiltree, Hansford, Sherman, Dallam and Greer be and the same are hereby constituted the thirty-fifth judicial district.

Sec. 3. The district courts in the counties comprising the tenth judicial district shall be holden as follows: In the county of Cook on the first Mondays in February and August, and may continue in session six weeks; in the county of Denton on the sixth Monday after the first Mondays in February and August, and may continue in session six weeks; in the county of Wise on the twelfth Monday after the first Mondays in February and August, and may continue in session five weeks; in the county of Montague on the seventeenth Monday after the first Mondays in February and August, and may continue in session until the business is finished.

Sec. 4. The district courts shall be holden in the counties comprising the thirty-fifth judicial district as follows: In the county of Wheeler on the first Mondays in April, August and December, and may continue in session four weeks; in the county of Oldham on the fourth Monday after the first Mondays in April, August and December, and may continue in session three weeks.

Sec. 5. The counties of Ochiltree, Hemphill, Lipscomb, Roberts, Gray, Donley, Collinsworth, Childress, Hall, Briscoe, Armstrong, Carson, Hutchinson, Greer and Hansford are hereby attached to the county of Wheeler for judicial purposes until organized. The counties of Sherman, Moore, Potter, Randall, Swisher, Castro, Parmer, Deaf Smith, Hartley and Dallam are hereby attached to the county of Oldham for judicial purposes until organized.

Sec. 6. All process heretofore issued or served, returnable in any of the counties of said judicial district as heretofore prescribed by law, shall be considered as returnable at the terms herein prescribed, and all such process is hereby legalized and validated, as if the same had been made returnable at the terms herein prescribed.

Sec. 7. That immediately after the passage of this act, the governor

shall appoint a suitable person as judge of the thirty-fifth judicial district, and suitable persons as district attorneys in the the tenth and thirty-fifth judicial districts, who shall hold their offices until the next general election held for State and County officers, and until their successors shall be elected and qualified.

Sec. 8. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 9. If any unorganized county mentioned in this bill shall organize prior to the next regular session of the Legislature, the district judge shall fix times to hold at least two terms of court each year in each of such counties by a written declaration, to be forwarded by the judge to the district clerk of the county, and spread by him upon the minutes of the district court. When the times are so fixed they shall not be changed, except by the Legislature.

Sec. 10. That owing to the recent organization of counties in the Panhandle, making it impossible for the judge of the tenth district to hold court therein on account of the great extent of the district, an imperative public necessity and emergency exist that the constitutional rule requiring this bill to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved February 15, A. D. 1881.

Takes effect from passage.

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**CHAPTER XIV.**—An act to establish a rule governing the defense of intoxication, and of temporary insanity produced by the voluntary recent use of ardent spirits, in criminal causes in this State.

Section 1. Be it enacted by the Legislature of the State of Texas, That neither intoxication, nor temporary insanity of mind, produced by the voluntary recent use of ardent spirits, shall constitute any excuse in this State for the commission of crime, nor shall intoxication mitigate either the degree or the penalty of crime, but evidence of temporary insanity produced by such use of ardent spirits may be introduced by the defendant in any criminal prosecution in mitigation of the penalty attached to the offense for which he is being tried, and in cases of murder for the purpose of determining the degree of murder of which the defendant may be found guilty.

Sec. 2. It shall be the duty of the several district and county judges of this State, in any criminal prosecution pending before them, where temporary insanity is relied upon as a defense and the evidence tends to show that such insanity was brought about by the immoderate use of intoxicating liquors, to charge the jury in accordance with the provisions of section 1 of this act.

Approved February 17, A. D. 1881.

Takes effect ninety days after adjournment.

CHAPTER XV.—An act to amend article 1547 of the Revised Civil Statutes, passed February 21, 1879.

Section 1. Be it enacted by the Legislature of the State of Texas, That article 1547 of the Revised Civil Statutes shall be so amended as hereafter to read as follows:

Article 1547. Justices of the peace shall hold the regular terms of their courts at their respective offices at such times as may be prescribed by the commissioners' court of the county.

Sec. 2. There being no adequate law now in force fixing the time of holding the justice's court, where there are more than one residing at the county seat, and it being impossible for the constable to wait upon the courts holding sessions at the same time, an imperative public necessity exists that this act take effect at once, and the same shall take effect and be in force from and after its passage.

Approved February 17, A. D. 1881.

Takes effect from passage.

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CHAPTER XVI.—An act to reorganize the twenty-fifth judicial district of the State of Texas, and to provide the times for holding the district courts therein.

Section 1. Be it enacted by the Legislature of the State of Texas, That the twenty-fifth judicial district of the State of Texas shall be composed of the following counties: Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Duval and Nueces.

Sec. 2. Be it further enacted, That the district courts of said district shall be holden at the times hereinafter specified, to wit: In the county of Cameron on the second Mondays of May and December, and may continue in session four weeks; in the county of Hidalgo on the fourth Mondays after the second Mondays of May and December, and may continue in session one week; in the county of Starr on fifth Mondays after the second Mondays of May and December, and may continue in session three weeks; in the county of Webb on the eighth Mondays after the second Mondays of May and December, and continue session three weeks; in the county of Duval on the eleventh Mondays after the second Mondays of May and December, and may continue in session two weeks; in the county of Nueces on the thirteenth Mondays after the second Mondays of May and December, and may continue in session until the business is disposed of, not exceeding six weeks.

Sec. 3. Be it further enacted, That the counties of Zapata and Encinal be and they hereby are attached to the county of Webb for judicial purposes.

Sec. 4. Be it further enacted, That all writs and process, civil and criminal, heretofore issued by or from the district courts in the several counties of said district and made returnable to the former term of said courts as said terms are now fixed by law, shall be returnable to the next ensuing terms of said district courts in each county as they are prescribed in this act; and all such writs, process that may be issued by or from said county, at any time within five days next before the holding of the next ensuing terms of said courts, as prescribed herein, and hereby made returnable to said terms respectively, and all such writs and pro-

cess hereinbefore mentioned are hereby legalized and validated, to all intents and purposes, as if the same had been made returnable to the term or terms of said courts, as the terms thereof are herein prescribed; provided, that if the counties of LaSalle and McMullen shall not be incorporated in a new judicial district, and until then the said counties shall continue to constitute a portion of the twenty-fifth judicial district, and the judge of said district is hereby authorized and required to designate the times of holding the terms of the district courts in said counties by an order that shall be entered on the minutes of the district court of McMullen county, which order shall be published in a newspaper published in the county of Webb for four successive weeks before the first court, (the time of holding which may be so fixed by order) shall be held, which times, when so fixed, shall not be changed, except by the Legislature; and provided further, that the said county of LaSalle shall, until otherwise provided, continue to be attached to the county of McMullen for judicial purposes.

Sec. 5. Be it further enacted, That whereas, the short time elapsing before the ensuing term of the district court in the county of Cameron, as now provided by law, creates an imperative public necessity and emergency for the suspension of the constitutional rule which requires that all bills shall be read on three several days, and the said rule is accordingly suspended. That this act take effect and be in force from and after its passage, and that all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Approved February 24, A. D. 1881.

Takes effect from passage.

## CHAPTER XVII.—An act prescribing the times for holding terms of the county court for criminal business in Grayson and Dallas counties.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be begun and holden a term of the county court for criminal business of Grayson and Dallas counties, at the county seats thereof, at the following times, to wit: On the first Mondays in January, March, May, July, September and November, and on the third Mondays in February, April, June, August, October and December, in each year, which shall continue in session until the business of the term is disposed of; provided, the term for criminal business shall not extend beyond the commencement of the term for civil and probate business.

Sec. 2. The crowded condition of the civil and probate dockets in the county courts of Grayson and Dallas counties, resulting almost in a denial of trial to litigants, creates an imperative public necessity that the constitutional rule requiring this bill to be read on three several days be suspended and an emergency that this act take effect from and after its passage, and it is so enacted.

Approved February 24, A. D. 1881.

Takes effect from passage.

CHAPTER XVIII.—An act to create the thirty-fourth judicial district, and prescribing the time of holding district courts therein, and to provide for the appointment of a district judge and district attorney therein.

Section 1. Be it enacted by the Legislature of the State of Texas, That the counties of Clay, Archer, Baylor, Young, Throckmorton, Wichita, Wilbarger, Hardeman, Cottle, Motley, Floyd, Hale, Lamb, Bailey, Cochran, Hockley, Lubbock, Crosby, Dickens, King, Haskell, Stonewall, Kent, Garza, Lynn, Terry and Yoakum be and the same are hereby constituted the thirty-fourth judicial district.

Sec. 2. The county of Wichita is hereby attached to the county of Clay for judicial purposes until organized; the counties of Wilbarger, Knox, Hardeman, Cottle, King, Dickens, Motley, Floyd, Crosby, Lubbock, Hale, Lamb, Hockley, Cochran and Bailey are hereby attached to the county of Baylor for judicial purposes until organized; the counties of Haskell, Stonewall, Kent, Garza, Lynn, Terry and Yoakum are hereby attached to the county of Throckmorton for judicial purposes until organized.

Sec. 3. That the district courts in the counties comprising the thirty-fourth judicial district shall be holden as follows: In the county of Clay on the first Mondays in April, August and December, and may continue in session two weeks; in the county of Archer on the second Monday after first Mondays in April, August and December, and may continue in session one week; in the county of Baylor on the third Monday after the first Mondays in April, August and December, and may continue in session two weeks; in the county of Throckmorton on the fifth Monday after the first Mondays in April, August and December, and may continue in session two weeks; in the county of Young on the seventh Monday after the first Mondays in April, August and December, and may continue in session two weeks.

Sec. 4. That all process heretofore issued or served, returnable in any of the counties of said judicial district as heretofore prescribed by law, shall be considered as returnable at the time prescribed herein, and all such process is hereby legalized and validated, as if the same had originally been made returnable at the times herein specified.

Sec. 5. That immediately after the passage of the act the governor shall appoint some suitable person as judge of said district, and some suitable person as district attorney of said district, who shall each hold their office until the next general election for State and county officers, and until their successors shall be elected and qualified.

Sec. 6. That an imperative public necessity and emergency exist that this act pass and take effect at once; it is, therefore, enacted that the rules requiring this act to be read upon three several days be suspended, and that this act take effect and be in force from and after its passage.

Sec. 7. That all laws and parts of laws in conflict with this act are hereby repealed.

Approved February 25, A. D. 1881.

Takes effect from passage.

**CHAPTER XIX.**—An act to diminish the civil and criminal jurisdiction of the county courts of Henderson, Parker, Lampasas, Blanco, Bexar, Kimble, Nueces, Gillespie, Kendall, Uvalde, Wheeler, Oldham, Bandera, Wharton, McMullen, Medina, Frio, Dimmitt, LaSalle, Hidalgo, Starr, Zapata, Duval and Burnet counties, and to conform the jurisdiction of the district and justices' courts of said counties to such change.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county courts of Henderson, Parker, Lampasas, Blanco, Bexar, Kimble, Nueces, Gillespie, Kendall, Uvalde, Wheeler, Oldham, Bandera, Wharton, McMullen, Medina, Frio, Dimmitt, LaSalle, Hidalgo, Starr, Zapata, Duval and Burnet counties shall have and exercise the general jurisdiction of probate courts; shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos [mentis] and common drunkards; grant letters testamentary and of administration; settle accounts of executors, administrators and guardians; transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis and common drunkards, including the partition, distribution and settlement of estates of deceased persons; and to apprentice minors, as required by law; and all matters of eminent domain, over which the county courts have jurisdiction by the general laws of this State, and to issue all writs necessary to the enforcement of its jurisdiction; and to punish contempt under such provisions as are or may be provided by general law governing county courts throughout the State; but said county courts shall have no other jurisdiction, civil or criminal.

Sec. 2. That the district courts of said counties shall have and exercise jurisdiction in all matters and causes, civil and criminal, over which, by the general laws of the State, the county courts of said counties would have jurisdiction, except as provided in section one of this act, and except all causes and matters, civil and criminal, over which, by the general laws of the State, the justices' courts of said counties would have jurisdiction; and that all cases, other than probate matters, and such as are provided in sections one and three of this act, be and the same are hereby transferred to the district courts of said counties; and writs and processes, civil and criminal, heretofore issued by or out of said county courts, other than those pertaining to matters over which, by sections one and three of this act, jurisdiction is given to the county courts and justices' courts of said counties, be and the same are hereby made returnable to the next term of the district courts of said counties.

Sec. 3. That the justices' courts of said counties, precinct No. 1, shall have and exercise jurisdiction in all matters and causes, civil and criminal, over which, by the general laws of the State, the county courts of said counties would have jurisdiction; provided, that, by this section, no more jurisdiction shall be conferred on said courts than is given by the general laws of the State, and that all cases, over which the justices' courts have jurisdiction by the general laws of the State, be and the same are hereby transferred to the justices' courts, precincts No. 1, of Henderson, Parker, Lampasas, Blanco, Bexar, Kimble, Nueces, Gillespie, Kendall, Uvalde, Wheeler, Oldham, Bandera, Wharton, McMullen, Medina, Frio, Dimmitt, LaSalle, Hidalgo, Starr, Zapata, Duval and Burnet counties, and all writs and processes, civil and criminal, heretofore issued by or out of said county courts, other than those pertaining to matters over which, by sections one and two of this act, jurisdiction is given to the county and dis-



trict courts of said counties, be and the same are hereby made returnable to the next succeeding justices' courts of said precincts No. 1 that convene after this act takes effect.

Sec. 4. That the clerks of the county courts of Henderson, Parker, Lampasas, Blanco, Bexar, Kimble, Nueces, Gillespie, Kendall, Uvalde, Wheeler, Oldham, Bandera, Wharton, McMullen, Medina, Frio, Dimmitt, LaSalle, Hidalgo, Starr, Zapata, Duval and Burnet counties be and they are hereby required, immediately after the passage of this act, to make full and complete transcripts of all the entries on their dockets, civil and criminal, heretofore made in causes which, by sections two and three, are transferred to the district and justices' courts of said counties, and file the same, together with all original papers of all of said causes and proceedings, with the clerk of the district court of said counties, and justices of the peace for precinct No. 1 in said counties, which includes all judgments, both civil and criminal, that remain uncollected and not satisfied; and, for the purpose of carrying into effect fully this act, the court having jurisdiction of the subject matter shall have full and ample power to enforce the same by issuing execution or other process required by law, and all of such causes, under this act, transferred to the district courts, shall be immediately docketed by the clerk of said court, and shall stand on the dockets of said courts as appearance cases for the next term of said courts; and all of such causes, transferred to the justices' courts, shall be filed at once by the justice of the peace thereof, which shall stand for trial at the next term of said courts; and for each of said transcripts the county clerk shall receive twenty cents per hundred words, and fifty cents for certificate thereto, to be taxed against the party cast in the suit, if a civil suit, and if criminal against the defendant, if convicted.

Sec. 5. That all laws and parts of laws, in conflict with this act, be and the same are hereby repealed.

Sec. 6. Whereas, the unnecessary expense and trouble that the people are now and will be put to in attending the county courts of said counties, and the importance of the passage of this act at once, creates an emergency and a public necessity that the rules requiring this act to be read on three several days, should be suspended, and that this act take effect and be in force from and after its passage.

Approved February 25, A. D. 1881.

Takes effect from passage.

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## CHAPTER XX.—An act validating the proceedings of the county court of Jackson county.

Section 1. Be it enacted by the Legislature of the State of Texas, That all the terms of the county court, for civil and probate business, in and for the county of Jackson, heretofore begun and held on the first Mondays of January and July of each year, be and the same are hereby legalized and validated, and all the proceedings therein shall have the same force and effect as if said terms were held on the third Mondays of January and July of each year.

Sec. 2. That the public at large are interested in the validity of the records of its courts, and from the amount of work already carved out, and the number of bills now before the Legislature, there is a probability that this bill will not be reached in its regular order during this session,

therefore, there is an imperative public necessity and emergency that the constitutional rules requiring this bill to be read on three several days, be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved February 25, A. D. 1881.

Takes effect from passage.

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**CHAPTER XXI.**—An act to provide for the payment of the interest due on the public debt March 1, 1881.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of twenty-five thousand four hundred and fifty-five dollars be and the same is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, for the purpose of paying the interest accruing on the public debt up to March 1, 1881.

Sec. 2. That no default be made in the prompt payment of the interest due on the public debt, and the brief time between the present and the 1st of March, when such interest becomes due, creates an imperative public necessity and emergency that the constitutional rules requiring this bill to be read on three several days be suspended, and that it take effect from and after its passage, and it is so enacted.

Approved February 26, A. D. 1881.

Takes effect from passage.

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**CHAPTER XXII.**—An act to amend an act entitled An act to change and define the times of holding the terms of the district court in the fifth judicial district of the State of Texas, passed by the Sixteenth Legislature, and approved April 23, 1879, so that the same shall hereafter read as follows:

Section 1. Be it enacted by the Legislature of the State of Texas, That hereafter the terms of the district courts of the fifth judicial district of the State of Texas shall be holden at the times hereinafter specified, to-wit: In the county of Cass on the first Mondays in February and September, and may continue in session three weeks; in the county of Bowie on the third Mondays after the first Mondays in February and September, and may continue in session three weeks; in the county of Morris on the sixth Mondays after the first Mondays in February and September, and may continue in session two weeks; in the county of Titus on the eighth Mondays after the first Mondays in February and September, and may continue in session two weeks; in the county of Franklin on the tenth Mondays after the first Mondays in February and September, and may continue in session two weeks; in the county of Camp on the twelfth Mondays after the first Mondays in February and September, and may continue in session two weeks; in the county of Marion on the fourteenth Mondays after the first Mondays in February and September, and may continue in session six weeks; provided that no jury shall be impaneled after the fourth week of said term.

Sec. 2. That writs and process returnable to said courts shall be returnable to the terms of said courts as herein defined, and all such

writs and process as have been issued, executed and returned shall be as valid as if no change had been made in said courts by the passage of this act.

Sec. 3. The fact of the near approach of the terms of the district court in the counties of the fifth judicial district that are intended to be benefited by this act, creates an imperative public necessity and emergency for the immediate passage of this act; therefore, the constitutional rule requiring this bill to be read on three several days is hereby suspended, and this act shall take effect and be in force from and after its passage.

Approved February 26, A. D. 1881.

Takes effect from passage.

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#### CHAPTER XXIII.—An act regulating the removal of the disabilities of minors.

Section 1. Be it enacted by the Legislature of the State of Texas, That any minor of this State over the age of nineteen years, who may desire to have his disabilities as a minor removed, he shall, by a bill or petition, present to the district court of the county where he may reside, the cause or causes existing which make it advisable or advantageous to said minor to have his disabilities removed, which bill or petition shall be sworn to by some person cognizant of the facts set out in said bill or petition.

Sec. 2. Said petition or bill shall be docketed on the trial docket of the court, and may be heard by the court either in regular order or at any time during term time, and if it shall appear to the court that the ground or causes set out are sufficient, and that it is advisable, or will be advantageous to such minor, in person or property, to have his disabilities as a minor removed, the court shall enter up a decree removing the disabilities of said minor, and cause it to be entered of record among the decrees and judgments of court.

Sec. 3. After the removal of such disabilities of minority, the said minor shall be deemed and held for all legal purposes, of full age, and shall be held responsible, and shall have all the privileges and advantages as if he were of full age, saving only that he shall not vote until he arrives at the full age of twenty-one years.

Sec. 4. In all proceedings under this act, a copy of the petition shall be served upon the father of the minor, if living within the State, and, if he be dead, that fact shall be mentioned in the petition. If the father of the minor be not living, then a copy of the petition shall be served upon the county judge of the county in which the proceeding is instituted, and in all such cases the court hearing the application shall appoint a special guardian, whose duty it shall be, in connection with the county judge, to represent the true interests of the minor, as they shall understand it, in aiding or resisting the application of the minor. An allowance shall be made by the district judge presiding to the special guardian, which shall be paid out of the estate of the minor.

Approved March 2, A. D. 1881.

Takes effect ninety days after adjournment.

CHAPTER XXIV.—An act to amend chapter 3, of title 17, of the Penal Code of Texas, by adding after article 683 article 683a.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Penal Code of Texas be amended by adding after the article 683 article 683a, which shall read as follows, viz: "That any baggage-master, express agent, stage or hack-driver, or other common carrier, whose duty it is to handle, remove, transfer or take care of trunks, valises, boxes or other baggage while loading, transporting, unloading, transferring, delivering, storing or handling the same, whether or not in the employ of any transportation company or common carrier, who shall maliciously or carelessly or recklessly break, injure or destroy the said baggage, shall be deemed guilty of a misdemeanor, and, on conviction, be fined in a sum not exceeding one hundred dollars; provided, that a prosecution for a misdemeanor, as provided in this section, shall not be a bar to a civil action for damages."

Approved March 5, A. D. 1881.

Takes effect ninety days after adjournment.

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CHAPTER XXV.—An act to amend articles 364 and 365 of an act entitled "An act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas," presented to the governor for his approval on February 27, 1879.

Section 1. Be it enacted by the Legislature of the State of Texas, That articles 364 and 365 of an act entitled "An act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas," presented to the governor for his approval on February 27, 1879, be so amended as to hereafter read as follows:

"Article 364. If any person shall bet or wager at any gaming table, or bank, or pigeon-hole or jenny lind table, or nine or ten pin alley, such as are mentioned in the six preceding articles, or shall bet or wager any money or other thing of value at any of the games included in the six preceding articles, or at any of the following games, viz: poker-dice, jack-pot, high dice, high die, low dice, low die, dominoes, euchre with dominoes, poker with dominoes, sett with dominoes, muggins, crack-loo, crack-or-loo, or at any game of any character whatever that can be played with dice or dominoes, or on any table, bank or alley, by whatsoever name the same may be known, and without reference to how the same may be constructed or operated, he shall be fined not less than ten dollars nor more than twenty-five dollars; provided, no person shall be indicted under this section for playing any of said games with dice or dominoes at a private residence.

"Article 365. If any person shall permit any game prohibited by the provisions of this chapter to be played in his house, or a house under his control, or upon his premises, or upon premises under his control, the said house being a public place, or the said premises being appurtenances to a public place, he shall be fined not less than twenty-five nor more than one hundred dollars."

Approved March 5, A. D. 1881.

Takes effect ninety days after adjournment.

CHAPTER XXVI.—An act to repeal article 2234 of an act entitled “An act to adopt and establish the Revised Civil Statutes of the State of Texas,” passed by the Sixteenth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That article 2234 of “an act to adopt and establish the Revised Civil Statutes of the State of Texas,” passed by the Sixteenth Legislature, be and the same is hereby repealed.

Sec. 2. Whereas, there is apparently, a conflict between the requirements of the above named article and the provisions and intent of section 1 of “an act to define in what civil causes depositions of witnesses may be taken,” approved April 21, 1879, creating a confusion and variety of opinion thereon, and rendering uncertain the rights, and endangering the interest of citizens under said last-named act; therefore an emergency is created for the suspension of the constitutional rule directing that no law shall go into force until ninety days after the adjournment of the Legislature, and said rule is hereby suspended, and this act shall take effect and be in force from and after its passage.

Approved March 9, A. D. 1881.

Takes effect ninety days after adjournment.

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CHAPTER XXVII.—An act to amend article 375, chapter 4, of title 17, of the Revised Civil Statutes of the State of Texas, relating to the powers of the councils of cities and towns, over streets, alleys and public grounds.

Section 1. Be it enacted by the Legislature of the State of Texas That article 375, chapter 4, of title 17, of the Revised Civil Statutes of the State of Texas, shall be so amended as hereafter to read as follows:

“Article 375. The council shall have exclusive control and power over the streets, alleys, public grounds and highways within the corporate limits, and shall have power to abate and remove encroachments or obstructions thereon, and shall have power to open, alter, widen, extend, establish, regulate, grade, clean or otherwise improve said streets, and to cause the male inhabitants, between the ages of eighteen and forty-five years, to work thereon, not exceeding six days in any one year, or furnish a substitute, or a sum of money (not to exceed one dollar for each day's work demanded) to employ said substitute, and to enforce the same by appropriate ordinances; to put drains or sewers therein, and to prevent the incumbering thereof in any manner, and to prevent the same from injury; and to regulate and alter the grade of premises, and to require the filling up and raising the same; provided, that citizens of cities and towns, who work under the provisions of this act, shall not be liable to work upon the public roads outside of the corporate limits of said city or town under the general road law of the State.

Approved March 9, A. D. 1881.

Takes effect ninety days after adjournment.

**CHAPTER XXVIII.**—An act to amend section 11 of an act entitled “An act to protect the wool-growing interest of the State of Texas,” approved March 25, 1879.

Section 1. Be it enacted by the Legislature of the State of Texas, That hereafter section 11 of the above entitled act shall read as follows, to wit:

“Section 11. The following counties are hereby exempted from the provisions of this act, viz.: Anderson, Angelina, Bowie, Cass, Chambers, Cherokee, Collin, Cooke, Dallas, Delta, Denton, Ellis, Fannin, Fayette, Fort Bend, Franklin, Freestone, Grimes, Hardin, Harris, Harrison, Henderson, Jack, Jasper, Jefferson, Johnson, Kaufman, Lamar, Lee, Liberty, Madison, Marion, Montgomery, Morris, Nacogdoches, Newton, Orange, Panola, Parker, Polk, Rains, Red River, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Somervell, Tarrant, Titus, Trinity, Tyler, Van Zandt, Wood, Walker, Waller, Wharton, Young, and the unorganized counties attached to Jack and Young counties for judicial purposes. The counties of Clay, Montague and Wise, together with the unorganized counties attached to the same for judicial purposes, are also exempted from the provisions of this act.”

Approved March 9, A. D. 1881.

Takes effect ninety days after adjournment.

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**CHAPTER XXIX.**—An act to amend sections 1, 3, 5, and 7 of an act entitled “An act to protect the wool-growing interest of the State of Texas,” approved March 25, 1879.

Section 1. Be it enacted by the Legislature of the State of Texas, That sections 1, 3, 5 and 7 of an act entitled “An act to protect the wool-growing interest of the State of Texas,” approved March 25, 1879, be and the same are hereby amended so as to read hereafter as follows:

“Section 1. Whenever it appears from the assessor's rolls that there are as many as five hundred sheep owned and assessed for taxes in any county in this State (that is not exempted from the operations of this act by the original bill), it should be the duty of the commissioners' court of such county, upon the application of one or more resident sheep owner or owners of said county, to appoint an inspector of sheep, who shall be a resident citizen of the county and well versed in the scab and other diseases which usually affect sheep, and said inspector shall hold his office until the next general election, or until his successor in office shall have qualified; provided, the qualifications required for inspector herein shall not apply to those appointed before this act takes effect. Said inspector may appoint one or more deputies, who shall take the oath of office prescribed by the constitution, and may lawfully perform the same acts as the inspector of sheep, who may require of his deputies bonds for the faithful performance of duty.

“Sec. 3. It shall be the duty of the inspector of sheep, or the deputy inspector, to carefully and personally examine and inspect at any time during the year any flock of sheep in his county, or which may be driven into or through his county, and which he has good reason to believe or is informed by two or more creditable sheep owners, is affected with scab or any other infectious or contagious disease; provided, that when the

inspector of sheep makes the examination and inspection upon his own motion, he shall not be entitled to any compensation, unless the sheep are affected with scab or some infectious or contagious disease; and if any inspector of sheep shall wilfully demand or receive any fee or compensation where none is allowed him by law, he shall be deemed guilty of misdemeanor, and, upon conviction thereof, he shall be fined in any sum not less than ten nor more than two hundred dollars, and shall also be deemed guilty of official misconduct and liable to be removed from office, as is or may be provided by law.

"Sec. 5. Whenever, upon examination and inspection, heretofore provided, of flocks herded or kept in the county, scab or any other infectious or contagious disease is ascertained to exist in any flock, the inspector shall at once notify the owners or persons in charge thereof of said fact, and shall prescribe certain limits within which said flock shall be herded until cured; provided, no person shall be so limited as to prevent him from herding or keeping his sheep anywhere on his own land or lands lawfully controlled by him, if the tract or tracts of said land are so contiguous to each other that in herding or driving the sheep the same will not go or be upon any tract or tracts of land of some other persons.

"Sec. 7. No sheep owners shall give information to any inspector of sheep that any flock of sheep is affected with scab or any infectious or contagious disease, until he shall have first personally and carefully examined said flock, or have been refused the privilege of so doing; provided, that if upon the information of the sheep owners, the inspector of sheep makes the examination and inspection, and finds scab or other infectious or contagious disease to exist among the sheep, his acts in so doing shall not be deemed invalid in any proceedings under this act in any court of this State against such owner or persons in charge of the sheep so examined and inspected from the fact that said informants did not comply, or may not have complied, with their duty under this section before they gave information to the inspector."

Approved March 9, A. D. 1881.

Takes effect ninety days after adjournment.

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#### CHAPTER XXX.—An act to provide for the change of time of holding the terms of the district court of Gonzales county.

Section 1. Be it enacted by the Legislature of the State of Texas, That hereafter the terms of the district court in and for Gonzales county shall be holden on the first Monday in January and on the third Monday in June, of each year, and continue in session four weeks, or until the business is disposed of.

Sec. 2. That all writs and process returnable to said courts shall be returnable to the terms of said courts as herein defined; and all such writs and process as have been issued, executed and returned, shall be as valid as if no change had been made in said court by the passage of this act.

Whereas, the term of the district court of Gonzales county, under the law as it now exists, will soon commence, and at a time when it will occasion great trouble and inconvenience to the farming communities of said county, therefore, there exists an emergency and public imperative

necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this bill go into effect from and after its passage, and it is so enacted.

Approved March 18, A. D. 1881.

Takes effect from passage.

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**CHAPTER XXXI.**—An act to regulate the sale of spirituous, vinous or malt liquors or medicated bitters; to fix the rate of occupation tax upon all persons, firms or associations of persons engaged in the sale of spirituous, vinous or malt liquors or medicated bitters; to define the manner and time of collecting such tax, and to affix penalties for failure to pay the same; and to repeal all laws and parts of laws in conflict with the provisions of this act.

Section 1. Be it enacted by the Legislature of the State of Texas, That hereafter there shall be levied upon and collected from any person, firm or association of persons engaged or engaging in the business of selling spirituous, vinous or malt liquors or medicated bitters, an annual tax upon every such occupation, or separate establishment, as follows: For selling spirituous, vinous or malt liquors, in quantities less than a quart, three hundred dollars; for selling such liquors or medicated bitters, in quantities of one quart and less than five gallons, two hundred dollars; for selling such liquors, in quantities of five gallons or more, three hundred dollars; for selling malt liquors exclusively, an annual tax of fifty dollars; provided, that nothing in this section shall be so construed as to prevent wholesale liquor dealers, or merchants who pay occupation tax as such, from selling unbroken packages containing less than five gallons, without being required to pay an additional tax as quart dealers.

Sec. 2. That the commissioners' courts of the several counties in this State shall have power to levy and collect taxes upon each of the occupations herein named equal to one-half of the State tax herein levied upon said business; and, where any such occupation or calling is carried on in an incorporated town or city, such town or city shall have power to levy and collect an additional tax upon such occupation or calling equal to that levied by such commissioners' courts.

Sec. 3. That every person, firm or association of persons, desirous of engaging in the business of selling spirituous, vinous or malt liquors or medicated bitters shall, before engaging in such business, pay to the collector of taxes of the county wherein such business shall be pursued, the entire annual tax herein levied for State purposes, according to the particular class of business in which said person, firm or association of persons may wish to engage, and the entire annual tax upon such business as shall or may be levied by the commissioners' court of said county, and, in case the selling of said spirituous, vinous or malt liquors, or medicated bitters shall be carried on in an incorporated town or city, the person, firm or association of persons so selling shall, in addition to the State and county tax herein required to be paid in advance, pay to the collector of taxes, in and for such town or city, such tax as may be levied upon such business by such town or city, and all taxes herein required shall be paid in advance for periods of not less than twelve months; provided, that any person, firm or association of persons, who may now be engaged in any of the occupations herein named, under and by virtue



of the authority of an act passed by the Sixteenth Legislature, commonly known as "the bell punch law," approved April 3, 1879, shall not be deprived of any right, privilege or immunity to which he or they may be entitled under said law; but such person, firm or association of persons may continue their said several occupations for the full period or periods of time for which such person, firm or association of persons shall have paid occupation tax under the provisions of said act of April 3, 1879, or may, at their option, take out license under the provisions of this act, and when so doing shall have credit for any balance due on payment made under act of April 3, 1879.

Sec. 4. That any person, firm or association of persons desiring to engage in the sale of spirituous, vinous or malt liquors, in quantities less than a quart, shall, before engaging in such occupation, be required to enter into bond, with at least two good and lawful sureties, payable to the county judge and his successors in office, and to be approved by him, in the sum of one thousand dollars, conditioned that said person, firm or association of persons so selling spirituous, vinous or malt liquors in quantities less than a quart shall keep an orderly house or place for the sale of such liquors, and that he or they will not sell, nor knowingly permit to be sold in his or their said place of business, nor give nor permit to be given any spirituous, vinous or malt liquors to any minor under the age of twenty-one years, or to students of any institution of learning, or to any habitual drunkard, or to any person, after being notified in writing by the wife or daughter of the person not to sell to such person, and that he or they will not knowingly permit any games prohibited by the laws of this State to be played, dealt or exhibited in or about such place of business, and that he or they will not knowingly permit any minor under the age of twenty-one years, to enter upon or remain in such establishment; which said bond may be sued on at the instance of any party aggrieved by the violation of the provisions of said obligation, and said bond shall not be void on first recovery, but may be sued on until the full penal sum named therein shall have been recovered. The provisions of this section shall not be so construed as to repeal or in any manner affect any penal laws now in force concerning the unlawful sales of spirituous, vinous or malt liquors. In addition to civil proceedings for individual injuries brought on said bond, if any person or firm shall violate any of the conditions of the bond herein required, it shall be the duty of the county treasurer and the county attorney and the district attorney, or either of them, to institute suit thereupon in the name of the county judge of the county, for the use and benefit of the county, and the amount of five hundred dollars as a penalty shall be recovered from the principals and sureties, upon proof of a breach of any of the conditions thereof. And, whenever the first or subsequent bond required is exhausted by suits at the instance of individuals or for the use of the county, a new similar bond shall be given and approved before the dealer shall have the right to further pursue his occupation as a retail liquor dealer, or in case a suit is pending on any such bond, and the county or district attorney shall make and file an affidavit with the clerk of the county court that he believes the bond of the defendant will be exhausted by said suit, the said clerk shall notify the liquor dealer thereof, and it shall be the duty of the retail liquor dealer, within twenty days from the time the said bond is exhausted, or in the other event, within twenty days from the time the said notice is given, to give a new bond similar to the bond first given, to be approved in the same way; and until such new bond is

given and approved, where it is required by this act, the retail liquor dealer shall not have the right to further pursue his occupation; and any person who shall pursue his said occupation, without giving a new bond as required by this act, shall be guilty of a misdemeanor, and on conviction shall be fined the same amount provided for in cases where no license has been obtained.

Sec. 5. That the county clerks in the several counties in this State shall issue license to any person, firm or association of persons engaged or desiring to engage in the sale of spirituous, vinous or malt liquors, or medicated bitters, upon payment by such person, firm or association of persons, of all occupation taxes herein levied for State purposes, and such additional occupation taxes as shall be levied by commissioners' courts, and by incorporated towns or cities, and also filing the bond required in section 4 of this act; the evidence of such payment of all tax upon such occupation shall be the receipt of the county collector of taxes for such amount of tax as shall have been or may be assessed and collected for State and county purposes upon such occupation, and the receipt of the city collector of taxes for amount of such tax paid any city or town wherein such business or occupation may be carried on. For issuing the license herein provided for county clerks shall be entitled to charge and receive a fee of twenty-five cents for each license so issued.

Sec. 6. That any collector of taxes who shall knowingly permit any person, firm or association of persons to engage in or pursue any of the occupations hereinbefore named, without first paying all legal taxes assessed against such person, firm or association of persons for such occupation for State and county purposes, and also filing the bond and procuring the license herein required, shall be fined in any sum not less than twenty-five nor more than two hundred dollars for every such offense; provided, that evidence that such collector of taxes has reported such person, firm or association of persons so pursuing an occupation in violation of law, immediately to the county or district attorney of his county, shall be a defense against all prosecutions against collectors under this section.

Sec. 7. That the comptroller of public accounts is hereby required to prescribe and furnish to county clerks the necessary blank forms for bonds herein provided for and the blank forms for license to be issued by such clerks herein required, and also to prescribe and furnish to collectors of taxes the necessary blank forms for receipts to be issued by such collectors to any person, firm or association of persons paying occupation tax under the provisions of this act.

Sec. 8. That the license required by this act shall be posted in some conspicuous place in the house where the business or occupation for which such license is necessary is carried on, and for a failure to so conspicuously post such license at or in such place of business, any person or any member of any firm or association of persons so failing shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed twenty-five dollars.

Sec. 9. That, whereas great confusion, difficulty and loss may occur from any delay in the final passage of this act, thereby creating an emergency and imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days; therefore said rule is hereby suspended, and this act shall take effect and be in force from and after its passage.

Sec. 10. That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed, except as otherwise herein provided in section 3 of this act.

Approved March 11, A. D. 1881.

Takes effect from passage.

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CHAPTER XXXII.—An act to amend articles 3824 and 3825, title 79, of the Revised Civil Statutes of the State of Texas, and to add thereto articles 3825a and 3825b, and to create Clay, Baylor, Wheeler and Oldham county land districts.

Section 1. Be it enacted by the Legislature of the State of Texas, That title 79, chapter 3, articles 3824 and 3825 of the Revised Civil Statutes of the State of Texas be amended, and that articles 3825a and 3825b be added thereto, so that the same shall read as follows:

"Article 3824. The counties of Clay, Wichita, Wilbarger, Greer, Hardeman, Childress and Donley, are hereby made and constituted the Clay land district, and the county surveyor of Clay county shall be the surveyor for said district, and shall keep his office at the county seat of Clay county; and the records of all files and surveys of land for said district shall be kept in said office.

"Article 3825. The counties of Baylor, Knox, Bailey, Lamb, Parmer, Castro, Swisher, Hale, Cottle, Motley, Floyd, Briscoe and Hall are hereby made and constituted the Baylor land district, and the county surveyor of Baylor county shall be the surveyor for said district, and shall keep his office at the town of Seymour, in the county of Baylor, and the records of all files and surveys for land for said district shall be kept in said office.

"Article 3825a. The counties of Wheeler, Hemphill, Lipscomb, Collingsworth, Gray, Roberts, Ochiltree, Armstrong, Carson, Hutchinson and Hansford are hereby made and constituted the Wheeler land district, and the county surveyor of Wheeler county shall be the surveyor for said district, and shall keep his office at the county seat of the county of Wheeler, and the records of all files and surveys for land for said district shall be kept in said office.

"Article 3825b. The counties of Oldham, Deaf Smith, Randall, Potter, Moore, Sherman, Dallam and Hartley are hereby made and constituted the Oldham land district, and the county surveyor of Oldham county shall be the surveyor for said district, and shall keep his office at the county seat of Oldham county, and the records of all files and surveys for land for said district shall be kept in said office."

Approved March 11, A. D. 1881.

Takes effect ninety days after adjournment.

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CHAPTER XXXIII.—An act to amend sections one and six of "An act to provide for the sale of a portion of the unappropriated public lands of the State of Texas, and the investment of the proceeds of such sale," passed at the special session of the Sixteenth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That sections one and six of the above recited act shall hereafter read as follows:

"Section 1. That all vacant and unappropriated land, situated in the

following named counties, viz: Noland, Mitchell, Howard, Martin, Andrews, Gaines, Dawson, Borden, Scurry, Fisher, Stonewall, Kent, Garza, Lynn, Terry, Yoakum, Cochran, Hockley, Lubbock, Crosby, Dickens, King, Cottle, Motley, Floyd, Hale, Lamb, Bailey, Parmer, Castro, Swisher, Briscoe, Hall, Childress, Collingsworth, Donley, Armstrong, Randall, Deaf Smith, Oldham, Potter, Carson, Gray, Wheeler, Hemphill, Roberts, Hutchinson, Moore, Hartley, Sherman, Hansford, Ochiltree and Lipscomb be and the same is hereby appropriated and set apart for sale, together with all the unappropriated lands situated and being within and included in the Pacific Reservation, and together with such separate tracts of unappropriated public lands situated in organized counties of this State, as contain not more than six hundred and forty acres; provided, that the three million and fifty thousand acres, heretofore appropriated for the building of a state capitol, shall have a preference right of location in the counties heretofore reserved for that purpose. The provisions of this act shall not be so construed as to prohibit the right of pre-empting within the bounds of the reservation here made, but any party shall have the same right of acquiring a homestead within this reservation under the pre-emption laws of this State, as he may have had prior to the passage of this act.

"Sec. 6. These lands shall be sold in tracts of six hundred and forty acres each, unless precluded by previous surveys, in which event the purchaser must include all the vacancy, and no tract shall have a greater frontage on any navigable stream or permanent water than one-half the square of such survey, excepting where surrounded by older surveys."

Sec. 2. Whereas, the fact that Carson county having been left out of the original law subjecting the vacant lands in said county to location, creates an emergency that this act take effect from and after its passage, and it is so enacted.

Approved March 11, 1881.

Take effect ninety days after adjournment.

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**CHAPTER XXXIV.**—An act to release certain inhabitants in the town of Savoy, county of Fannin, from the payment of taxes assessed and now due for the year A. D. 1880, in consequence of a great public calamity.

Whereas, on the 28th day of May, 1880, there occurred in the village of Savoy, situated in Fannin county, State of Texas, a great public calamity, same being a most terrible and destructive cyclone, such as has never occurred before within the memory of the oldest inhabitant. Within the compass of a few moments the houses of all those mentioned in this act were crushed to the earth; several were killed immediately, and a great many seriously wounded, a number of the latter maimed for life. Stock and poultry were destroyed, and, in fact, the little town was left but a crushed ruin; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, (two-thirds of the members of each House by a vote concurring therein), That the following named inhabitants of said portion of said county, to wit: of the town of Savoy, the same being great sufferers from the cyclone, be and they are hereby released from the payment of the sev-

eral sums named, the same being the amount of State and county taxes assessed against them, and now due for the year A. D. 1880, to wit:

NAMES.		NAMES.	
R. R. Halsell.....	\$11 63	S. J. McKnight.....	\$9 37
E. Harle.....	6 29	James O'Riley .....	1 10
J. W. Hunter.....	2 25	J. H. Montgomery.....	1 31
T. J. Chenowith.....	30 09	W. R. Sage.....	13 72
S. W. McKee.....	20 19	W. N. Youree.....	27 31
R. W. Gallaher.....	12 06	G. W. Thompson.....	8 30
W. F. Suddeth.....	4 46	A. J. Smith.....	4 47
R. D. Chaney.....	14 10	C. A. Vestal.....	3 96
W. B. Chaney.....	2 88	W. L. Andruss.....	7 97
Wm. Thompson.....	21 68	Russell, Bradford & Co....	43 75
J. P. Smith.....	4 10	J. J. Ryan.....	10 44
R. E. Stringer.....	6 66	Mary E. Johnson.....	12 54
Stringer & Smith.....	16 25	J. M. Nayler.....	3 81
Mrs. Laura Brown.....	3 75	Matt L. Taylor.....	10 98
F. E. Horne.....	17 95	A. J. Duckworth.....	9 41
G. G. Lindsey.....	4 60	T. J. Cox.....	3 19
James Paxton.....	25 30	R. R. Roberts.....	7 69
R. T. Best.....	7 07	J. A. Keames.....	2 62
Wm. H. Brooks.....	10 86	W. B. Wooten.....	10 25
M. M. Jackson.....	10 62	Wm. Savoy .....	15 24
C. R. March.....	3 20	Ben P. Crabb.....	2 90
Wm. G. Johnson.....	29 95	A. J. Malugin.....	11 85
J. H. Culpepper.....	2 75	N. A. Andruss.....	5 60
T. J. Patillo.....	6 31	G. W. Mathis.....	12 31
A. W. Jolly.....	11 90	J. J. Roberts.....	16 95
J. A. Jolly.....	2 47	M. T. Simmons.....	7 43
M. W. King.....	15 61	Jud. Mathison .....	3 50
J. A. Barnard.....	6 25	J. W. Elder.....	2 36
Barnard & King.....	9 37	Robt. F. Jones.....	2 98

And that the several sums of taxes against said persons respectively be and the same are hereby remitted.

Sec. 2. That the comptroller of public accounts of this State, and the county treasurer and commissioners' court of Fannin county, be and they are hereby authorized and required to credit the tax collector of Fannin county with the several sums herein and hereby released, the said comptroller to credit him with the several amounts of State tax, and said treasurer and commissioners' court to credit him with the several amounts of county tax, in his settlement with them for taxes collected by him for the year 1880, by deducting the same from the aggregate of the tax lists now in his hands for collection for the said year; and said tax collector be and he is hereby relieved from collecting said several sums, or any part thereof, from the said several persons hereby relieved; and if the said tax, or any part of the same, shall have been collected by the said collector of taxes for Fannin county, then and in that case the said collector is hereby required to refund such amounts of the said tax to the person having paid the same.

Sec. 3. An imperative necessity and emergency exists which requires the immediate passage and taking effect of this act, as the tax collector

is required by law to collect said several sums of taxes, by seizure and levy from said persons if the same be not paid by the 1st day of March, 1881, and the several inhabitants may not in consequence thereof be benefited by this act as intended; therefore be it enacted, that this act take effect and be in force from and after its passage.

Approved March 11, A. D. 1881.

Takes effect from passage.

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**CHAPTER XXXV.**—An act to amend article 3971, chapter 11, of the Revised Civil Statutes, providing for the disposal of certain lands known as the Indian Reservations, and to repeal articles 3972, 3973, 3974, 3975 and 3976 of the Revised Statutes upon the same subject.

Section 1. Be it enacted by the Legislature of the State of Texas, That article 3971 of the Revised Civil Statutes of the State of Texas be so amended as to hereafter read as follows, viz. :

“Article 3971. So much of the seventeen leagues of land known as the Indian Reservations, which were set apart and appropriated by the act of January 25, 1875, one-half to the school fund and the remaining half for settlement, and which have not been settled upon and appropriated under the provisions of said act, shall be and the same is hereby set apart and appropriated to the common free school fund of this State, and the same shall be subject to the general laws applicable to and regulatiug the management and disposal of the other school lands belonging to the permanent school fund.”

Sec. 2. That articles 3972, 3973, 3974, 3975 and 3976 of the Revised Statutes be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved March 11, A. D. 1881.

Takes effect ninety days after adjournment.

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**CHAPTER XXXVI.**—An act to be entitled an act to amend title 11, chapter 1, article 241, of the Revised Civil Statutes of Texas, adopted February 21, 1879.

Section 1. Be it enacted by the Legislature of the State of Texas, That article 241 of the Revised Civil Statutes be so amended that here after it shall read as follows:

“Article 241. The following judicial districts in this State shall each, respectively, elect a district attorney, viz: The first, the second, the third, the fourth, the fifth, the seventh, the eighth, the ninth, the twelfth, the seventeenth, the eighteenth, the fifteenth, the nineteenth, the twentieth, the twenty-third, the twenty-fourth, the twenty-fifth, the thirtieth, and the counties of Galveston and Harris; provided, that the governor shall appoint a district attorney for the thirtieth and nineteenth judicial districts until the next general election.”

Sec. 2. The fact that courts of the nineteenth judicial district are now in session for the trial of persons accused of felony, and that public policy demands that the State shall have additional aid in their prosecu-

tion, justifies the suspension of the rule requiring this bill to be read on three several days, and it is suspended, and creates an emergency which requires that this act take effect from and after its passage, and it is so enacted.

Approved March 11, A. D. 1881.

Takes effect from passage.

CHAPTER XXXVII.—An act to repeal “An act to diminish the civil jurisdiction of the county court of Navarro county and to conform the jurisdiction of the district court of said county to such change,” approved July 2, A. D. 1879, and to prescribe the jurisdiction of said county court.

Section 1. Be it enacted by the Legislature of the State of Texas, That an act entitled “An act to diminish the civil jurisdiction of the county court of Navarro county, and to conform the jurisdiction of the district court of said county to such change,” approved July 2, A. D. 1879, be and the same is hereby repealed.

Sec. 2. That said county court be and the same is hereby re-invested with the jurisdiction, criminal and civil, which it had and exercised prior to the passage of said act diminishing the jurisdiction of said court.

Sec. 3. That all causes now pending in the district court of said county of Navarro, over which the county court of that county would have jurisdiction under the constitution, shall be transferred to said county court, and all causes now pending in said district court, over which said district and county courts have concurrent jurisdiction, shall, upon the written motion of either party thereto, filed with the clerk of said district court, be transferred to said county court, and all causes so transferred shall be docketed in said county court and stand for trial as appearance causes in that court.

Sec. 4. That the district clerk of said county of Navarro be and he is hereby required, within twenty days after the passage of this act, to make a full and complete transcript of all entries made upon the dockets of said district court in all causes which will be by section three of this act transferred from said court, and shall deliver the same and all the papers of each cause to the clerk of said county court.

Sec. 5. The crowded condition of the dockets of said district court creates an emergency that this act take effect and be in force from and after its passage, and it is so enacted.

Approved March 12, A. D. 1881.

Takes effect from passage.

CHAPTER XXXVIII.—An act to amend articles 423, 424, 425, 426, 427, 428, 429 and 430a, and to create article 426½, and to repeal article 430 of chapter 5, title 13, of the Penal Code of the Revised Statutes, for the protection of fish and game.

Section 1. Be it enacted by the Legislature of the State of Texas, That articles 423, 424, 425, 426, 427, 428, 429 and 430a, of chapter 5, title 13, of the Penal Code be so amended, and article 426½ be enacted, to read as follows:

“Article 423. No person shall throw, drag or haul any fish net, seine or

other contrivance for the purpose of catching fish (except the ordinary pole, line and hook, or trot line) in any stream, lake or pool of water within the State, not his own, above tidewater, between the first day of February and the first day of July of each year; and at no time of the year in such waters shall any one be permitted to drag or haul any fish net or seine with meshes less than two and a half inches square; and any one violating the provisions of this article shall, upon conviction, be fined in a sum of not less than five nor more than fifty dollars.

"Article 424. For the purpose of thoroughly protecting the fish now being propagated in our brooks, tanks, ponds, lakes, creeks, rivulets and rivers, not private and individual property, no person shall be permitted to set, place or use any fixed net, trap, or other contrivances for trapping fish in said waters; and any one violating the provisions of this article shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any justice of the peace or other court of competent jurisdiction, he shall be fined in a sum of not less than fifteen dollars nor more than seventy-five dollars, together with all costs in the case accruing, which fine shall go to the common school fund; and each day that any fixed net, trap, or contrivance for trapping fish, as contemplated by this article, shall remain set or placed shall constitute a separate offense under this article; provided, that nothing in this bill shall be construed as to prohibit the fish commissioner of this State from taking any and all fish at any time and by any means for breeding and scientific purposes, and for stocking other waters.

"Article 425. If any person shall catch or take, or attempt to catch or take, any fish in the State by use of lime, china berries, or any other poisonous substances placed in the water, he shall be fined in a sum of not less than fifty nor more than one hundred and fifty dollars.

"Article 426. It shall hereafter be unlawful for any person to kill, trap, ensnare, or in any way destroy, any wild deer in the period of time embraced between the first day of December in any year and the first day of June of the next year, and any violation of this provision shall be considered a misdemeanor, and, upon conviction before any justice of the peace or other court of competent jurisdiction, shall be fined in a sum of not less than twenty-five dollars nor more than fifty dollars, together with the costs of suit, which fine shall go to the common school fund; and, upon conviction of said offense, as well as these provided against in articles 424 and 425 of this chapter, the person so offending and convicted shall stand committed to jail until such fines and costs are paid; and any butcher, huckster, marketer, carrier or express agent, or any person found in possession of fresh killed venison one day before the above specified open season begins, or ten days after the open season is closed, shall be deemed equally guilty of the violation of the provisions of this article, and liable to the same proceedings therein provided.

"Article 426½. It shall be unlawful for any person to kill, or to trap for immediate use or for market, any wild turkey in the period of time of each year between the fifteenth day of May and the first day of September, and any one so offending shall be proceeded against as provided in article 426 of this act, and, upon conviction, fined in the sum of twenty-five dollars, the same to be used in accordance with the provisions of that article.

"Article 427. If any person shall in any manner catch or kill any pinnated grouse (prairie chickens) in this State in the months of March, April, May, June and July he shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any justice of the peace or other



court of competent jurisdiction, shall be fined in the sum of ten dollars, together with the cost of the suit, the fine to be disposed of in accordance with the provisions on that subject in article 426 of this act.

"Article 428. If any person shall in any manner catch or kill any quail or partridges in this State in the months of March, April, May, June, July and August of any year, he shall be punished as prescribed in article 427 of this act; and the netting of partridges is hereby entirely prohibited under a like penalty for the infraction of this provision, and under the proceedings governing said article 427.

"Article 429. If any person shall wilfully kill, or in any manner injure, any mocking-bird, whippoorwill, night hawk, blue bird, red bird, finch, thrush, linnet, wren, martin, swallow, bobolink, cat bird, nonpareil, scissor-tail, sparrow, buzzard or carrion crow he shall be deemed guilty of a misdemeanor, and, upon conviction before a justice of the peace, or other court of competent jurisdiction, he shall be fined in a sum of not less than five nor more than fifteen dollars.

"Article 430. That the following counties are hereby exempted from the provisions of articles 426, 426½, 427, 428 and 429 of this chapter, to-wit: Jasper, Newton, Hardin, Liberty, McLennan, Nacogdoches, Waller, Hood, Bosque, Somervell, Williamson, Lampasas, Sabine, San Augustine, Shelby, Titus, Franklin, Delta, Red River, Hunt, Rockwall, Henderson, Raines, Wood, Coryell, Hamilton, Brown, Coleman, Runnels, Johnson, Cook, Morris, Rusk, Panola, Grayson, Denton, Leon, San Jacinto, Polk, Tyler, Wise, Montague, Clay, and the unorganized counties attached to the same for judicial purposes; Ellis, Robertson, Anderson, Tom Green, Hill, Lamar, Freestone, Cherokee, Bowie, Taylor, Callahan, Shackelford, Stephens, Eastland, Erath, Comanche, Palo Pinto, Limestone, Navarro, Madison, Walker, Trinity and Austin; provided, that the counties of Orange, Jasper and Newton shall be exempted from the provisions of article 426; provided further, that the counties of Lavaca and Delta are hereby exempted from the provisions of articles 426 and 429."

Sec. 2. That the following counties are also hereby exempted from the provisions of articles 426, 426½, 427, 428 and 429 of this chapter, to-wit: Kaufman, Hopkins, Milam, Tarrant, Liberty, Jefferson, Chambers, Hardin, Archer, Baylor, Oldham, Wheeler, and the unorganized counties attached to them, and Angelina; provided, that these exemptions from the operation of this law shall not apply to articles 423, 424 and 425; provided, that the counties of Fort Bend, Waller, Wharton, Grimes, Brazos, Angelina, Van Zandt, Polk, San Jacinto, Walker, Tyler, Trinity, Throckmorton, Parker, Jack and Young are hereby exempted from the provisions of this act; provided further, that the county of Houston is hereby exempted from the provisions of articles 424, 426, 426½, 427, 428 and 429 of this act.

Sec. 3. Whereas, the game laws now in force are wholly inadequate to protect the game of this State from cruel and wanton destruction, therefore an emergency exists and an imperative public necessity demands that the constitutional rule requiring a bill to be read on three several days be suspended, and that this bill take effect and be in force from and after its passage.

Approved March 15, A. D. 1881.

Takes effect from passage.

**CHAPTER XXXIX.**—An act to amend article 1974, and to establish articles 1802a and 1822a of the Revised Civil Statutes of the State of Texas, concerning estates of deceased persons.

Section 1. Be it enacted by the Legislature of the State of Texas, That article 1974 of the Revised Civil Statutes of the State of Texas be amended, and that there be known in said statutes articles 1802a and 1822a, concerning estates of deceased persons, to read as follows, to wit:

"Article 1974. Executors and administrators may be removed by the county judge on his own motion, or on the complaint of any person interested in the estate, after being cited to answer such motion or complaint at a regular term of the court, in the following cases:

"1. When there shall appear sufficient grounds to believe that they have misapplied, embezzled or removed from the State the property, or any part thereof, committed to their charge, or that they are about to misapply, embezzle or remove from the State any of such property.

"2. When it is proved that they have been guilty of gross neglect or mismanagement in the performance of their duties as such executors or administrators.

"3. When they fail to obey any order of the court consistent with this title, made in relation to the estate committed to their charge.

"4. When an executor or administrator becomes of unsound mind, or from any other cause is incapable of performing the duties of his trust.

"5. When they fail to make an annual exhibit fully showing the condition of the estate they represent, or fail to make to the court any exhibit they are required to make by law.

"6. When they fail to make a final settlement for three years after the grant of letters, unless the time be extended by the court, after satisfactory showing being made under oath."

"Article 1802a. When the probate docket is taken up, it shall be disposed of with dispatch, without an adjournment of the court for more than three days at any one time; and, in case of such adjournment the reason therefor must appear upon the minutes."

"Article 1822a. Executors and administrators shall be required to make annual exhibits under oath, fully showing the condition of the estate; they shall be required to make final settlement of the estates they represent within three years from grant of letters, unless the time be extended by the court after satisfactory showing being made under oath; and upon failure in either case, shall be removed as provided in article 1974."

Approved March 15, A. D. 1881.

Take effect ninety days after adjournment.

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**CHAPTER XL.**—An act to amend article 1081, chapter 3, title 15, of the Code of Criminal Procedure, adopted February 21, 1879.

Section 1. Be it enacted by the Legislature of the State of Texas, That article 1081 of the Code of Criminal Procedure of this State shall hereafter read as follows, viz:

"Article 1081. Each juror who serves in the trial of any criminal case in any court having criminal jurisdiction, or who has been sworn as a juror

for the term or week, shall receive two dollars for each day and for each fraction of a day he may serve or attend as such juror; provided, that this provision shall not extend to mayors' and recorders' courts taking cognizance of offenses against municipal ordinances; provided further, that jurors in justices' courts, who serve in the trial of criminal cases in such courts, shall receive fifty cents in each case they may sit as jurors; provided, that no juror in such courts shall receive more than one dollar for each day or fraction of a day he may serve as such juror."

Sec. 2. Justices of the peace shall report to the county clerk, on the first Monday in each month, the names of the persons who have served as jurors in his court for the preceding month, and the number of days and fractions of days that they have served respectively, and the number of cases in which they have served respectively on each of said days or fractional days; and it shall be the duty of the county clerk to issue his warrant against the county treasurer in favor of each of the persons so serving as jurors. Every justice failing to make and file such report shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than twenty-five nor more than two hundred and fifty dollars.

Sec. 3. Whereas, the present law entails upon citizens of the State services burdensome, and in many instances unremunerated, and thereby creates an imperative public necessity and an emergency for the immediate passage of this act, it shall therefore take effect and be in force from and after its passage.

Approved March 15, A. D. 1881.

Take effect ninety days after adjournment.

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CHAPTER XLI.—An act to procure from the publishing house owning the copyright, certain volumes of the early reports of the supreme court of the State, and to make an appropriation therefor.

Section 1. Be it enacted by the Legislature of the State of Texas, That the secretary of state be and he is hereby authorized to purchase from the publishing house owning the copyright, three hundred copies, for the use of the State, of each of the volumes of Decisions of the Supreme Court of Texas, now out of print, or needed by the State, at a price not to exceed four dollars per copy, and the sum of twelve thousand dollars is appropriated to carry out the provisions of this bill.

Sec. 2. That the character of work, binding, style of type, weight, and quality of paper, shall be as in volume 52 of the Texas Reports.

Sec. 3. Whereas, a number of the counties of this State have never been furnished with complete sets of Supreme Court Reports of Texas, and whereas, it is important that such counties should be furnished with full sets of said reports, therefore, an imperative necessity and emergency exists that this bill should be in force from and after its passage, and it is hereby so enacted.

Approved March 15, A. D. 1881.

Takes effect ninety days after adjournment.

**CHAPTER XLII.**—An act to diminish the civil and criminal jurisdiction of the county courts of Grimes, Montgomery and Karnes counties, and to conform the jurisdiction of the district courts of said counties to such change.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county courts of the counties of Grimes, Montgomery and Karnes shall have and exercise the general jurisdiction of probate courts, shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis and common drunkards; grant letters of testimony and of administration; settle accounts of executors, administrators and guardians; transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis, and common drunkards, including the partition, settlement and distribution of estates of deceased persons, and to apprentice minors, as prescribed by law; and to issue all writs necessary to the enforcement of their jurisdiction, and to punish contempts under such provisions as are or may be provided by general law governing county courts throughout the State; but said county court shall have no other jurisdiction, civil or criminal.

Sec. 2. That the district courts of said counties of Grimes, Montgomery and Karnes shall have and exercise jurisdiction in all matters and causes, civil and criminal, over which by the general laws of the State the county courts of said counties would have jurisdiction, except as provided in section 1 of this act, and that in all cases other than probate matters, and such as are provided in section 1 of this act, be and the same are hereby transferred to the district courts of said counties; and all writs and process, civil and criminal, heretofore issued by or out of said county courts, other than those pertaining to matters over which by section one (1) of this act jurisdiction is given to the county courts of said counties, be and the same are made returnable to the next term of the district courts in and for said counties.

Sec. 3. That the clerk of the county courts of Grimes, Montgomery and Karnes counties, be and he is hereby required within twenty days after the passage of this act to make a fair and complete transcript of all the entries on the docket of said county courts, civil and criminal, theretofore made in causes which by section (2) two of this act are transferred to the district courts of said counties, and file the same, together with the original papers of all said causes and proceedings, with the clerks of the district courts of said counties; and all such cases shall immediately be docketed by the clerks of the district courts of said counties, and shall stand on the docket of said district courts as appearance cases for the next term of said courts; and for each of said transcripts the county clerks shall receive twenty cents per hundred words, and fifty cents for a certificate thereto, to be taxed as costs against the party cast in the suit, if a civil suit, and if a criminal cause, against the defendant, if convicted.

Sec. 4. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 5. The near approach of the close of the session of the Legislature, and the burdens now imposed upon the citizens of Grimes, Montgomery and Karnes counties, on account of the cost and number of the county courts now held in said counties creates an imperative public necessity, and an emergency exists demanding that the constitutional

rule requiring a bill to be read on three several days be suspended and this bill take effect and be in force from and after its passage, and it is so enacted.

Approved March 15, A. D. 1881.

Takes effect from passage.

**CHAPTER XLIII.—An act to prescribe the times of holding the district courts in the counties of the thirteenth judicial district.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the district court in the counties composing the thirteenth judicial district shall be holden as follows: In the county of Freestone on the first Mondays in February and September, and may continue in session four weeks; in the county of Navarro on the first Mondays in July and December, and may continue in session eight weeks; in the county of Limestone on the fourth Mondays after the first Mondays in February and September, and may continue in session eight weeks.

Sec. 2. That all writs and process issued and made returnable to the terms of said courts under the law in force at the issuance thereof, shall be returned to the terms of said courts as herein prescribed, and shall be as valid as if no change had been made in the return day thereof.

Sec. 3. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 4. The frequent and unnecessary terms of courts now held in said counties creates an emergency that this act take effect and be in force from and after its passage, and it is so enacted.

Approved March 15, A. D. 1881.

Takes effect from passage.

**CHAPTER XLIV.—An act to amend articles 111 and 112 of chapter 5 of an act entitled "An act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas," passed at the regular session, A. D. 1879.**

Section 1. Be it enacted by the Legislature of the State of Texas, That articles 111 and 112, in chapter 5 of the Penal Code of the State of Texas, shall hereafter read as follows:

"Article 111. Article 110, in chapter 5 of the Penal Code of the State of Texas, shall not be construed so as to effect[?] any civil remedy to enforce the collection of taxes.

"Article 112. Any person prosecuted under article 110 of the Penal Code of the State of Texas shall have the right at any time before conviction to have such prosecution dismissed upon payment of the tax, and all costs of said prosecution, and procuring the license to pursue or follow the occupation for the pursuing which, without license, the prosecution was instituted, and no prosecution shall be commenced against any person after the procuring said license, notwithstanding they may have followed such occupation, calling or profession before procuring said license; provided, said license shall cover the time said person has actu-

ally followed said occupation, calling or profession. The county clerk shall be entitled to ten cents for issuing the license, to be paid by the person to whom it is issued.

Approved March 15, A. D. 1881.

Takes effect ninety days after adjournment.

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**CHAPTER XLV.**—An act granting a land certificate of twelve hundred and eighty (1280) acres to each of the surviving soldiers of the Texas revolution, and the surviving signers of the declaration of Texas independence, and to the surviving widows of such soldiers and signers, and to the widows of those who fell at the Dawson massacre; and to repeal an act, approved April 26, 1879, entitled "An act granting a land certificate of six hundred and forty acres to each of the indigent veterans who was engaged in the struggle for Texas independence prior to and at the battle of San Jacinto, enrolled under the act approved July 28, 1876.

Section 1. Be it enacted by the Legislature of the State of Texas, That the commissioner of the general land office be and is hereby authorized and required to issue, subject to the provisions hereinafter specified, to each of the surviving soldiers who served in the war between Texas and Mexico, in the army of the Republic of Texas, at any time between the commencement of the revolution in 1835, and the first day of January, 1837, who served for three months in such war, and received, or was entitled to receive, a bounty warrant therefor, and to each of the surviving signers of the declaration of the independence of Texas, made at the town of Washington on the second day of March, 1836, and to each of the surviving widows of any such soldiers or signers who remains and has always been unmarried since the death of such soldier or signer, and to the widows of those who fell at the Dawson massacre, a land certificate, in his or her name, for twelve hundred and eighty (1280) acres, which may be located as headright certificates upon any of the public domain, and patented, as in other cases; and the said certificate, and the land located by virtue thereof, shall be exempt from forced sale so long as it shall remain the property of the grantee in said certificate; provided, that the commissioner shall charge no fees for the issuance of such land certificate and patent.

Sec. 2. Any person mentioned in the first section of this act, who has already received a land certificate of six hundred and forty acres, as an indigent veteran under the provisions of an act approved April 26, 1879, entitled "An act granting a land certificate of six hundred and forty acres to each of the indigent veterans who was engaged in the struggle for Texas independence, prior to and at the battle of San Jacinto, enrolled under the act approved July 28, 1876," shall only be entitled to receive in addition thereto, a land certificate for six hundred and forty acres under the provisions of this act.

Sec. 3. Any person applying for a land certificate under the provisions of this act, shall make proof by their own affidavit and the testimony of at least two reliable witnesses, taken before the judge of the county court of the county in which such person resides, of all the facts necessary to entitle such person to such land certificate under the first section of this act; and if such application is made by any such surviv-

ing soldier, he shall prove: 1st, that such service was rendered; 2d, at what time he entered such service, and at what time he was discharged therefrom; 3d, of what company and regiment he was a member at the time such service was rendered, and who were the commanders of such companies or regiments; 4th, that he is the identical person who rendered such service; and if such application is made by any such surviving widow, as mentioned in the first section of this act, she shall prove: 1st, that she is the surviving widow of such soldier or signer; 2d, that such soldier or signer rendered such service in full compliance with the foregoing provisions of this act; 3d, the date of the death of such soldier or signer, and that they were living together as husband and wife at the date of such death; 4th, that she remains, and has always been, unmarried since the death of such soldier or signer; which said proof the said county judge shall cause to be reduced to writing, and signed and sworn to by such witnesses, and attested by the clerk of said court under his seal of office; and the said county judge shall attach thereto his own certificate, stating his opinion and belief as to the validity of such claim.

Sec. 4. That when each application and proof and certificate of the county judge shall be filed in the office of the commissioner of the general land office, it shall be his duty to carefully examine the same, together with such other testimony as may be offered, in connection with the pension rolls and other archives of his office; and in every case such commissioner, before issuing any land certificate under the provisions of this act, shall be fully satisfied that the claim is valid, that the proof is sufficient, and that there is no evidence of fraud committed, or attempted to be committed, upon the State; and in every case where such commissioner has grounds to believe, or shall be advised that such claim is fraudulent, it shall be his duty to suspend the issuance of such land certificate, and to certify said cause to the county attorney of the county where such applicant resides, and if there be no county attorney, then to the district attorney of the district in which said applicant resides, whose duty it shall be to examine rigidly into such case, and ferret out such fraud.

Sec. 5. Before any benefit shall inure to any person under the provisions of this act, a certificate shall be produced by a board of three surviving veterans of the revolution of 1836, who shall be appointed by the governor, and one of whom shall be the president of the Veterans' Association, stating that they know of their own knowledge, or are satisfied from the evidence, that the applicant is entitled under the provisions of this act to its benefits.

Sec. 6. Be it further enacted, That the act approved April 26, 1879, entitled "An act granting a land certificate of six hundred and forty acres to each of the indigent veterans who was engaged in the struggle for Texas independence prior to and at the battle of San Jacinto, enrolled under the act approved July 28, 1876," and all other laws in conflict with the provisions of this act, be and the same are hereby repealed.

Sec. 7. The near approach of the close of the session, and the fact that many veterans are now suffering for want of some aid from the State, creates an imperative public necessity that the constitutional rule requiring this bill to be read on three several days be suspended, and it so enacted.

Approved March 15, A. D. 1881.

Takes effect ninety days after adjournment.

CHAPTER XLVI.—An act authorizing and requiring owners of lands between the Nueces and Rio Grande rivers, under grants or titles thereto from the former governments, which were recorded in the respective counties before the adoption of the present constitution, to deposit and archive the same in the general land office.

Section 1. Be it enacted by the Legislature of the State of Texas, that all owners of lands between the Nueces and Rio Grande rivers, under grants or titles from the former government, which grants or titles are such as are described in section four of article thirteen of the present constitution, and have been, previous to the adoption of this constitution, recorded in the respective counties where the land is situated, but have not yet been deposited or archived in the general land office of this state, be and they are hereby authorized and required to deposit and archive said grants or titles in said general land office; and provided further, that such titles when so archived shall be subject to all defenses and objections that they otherwise would have been if not so archived, and said act of archiving shall invest said titles with no greater validity than they before had as titles recorded in the proper county, and the commissioner of the general land office is hereby authorized and required to receive the same as archives of said office.

Sec. 2. The near approach of the close of the present session of the Legislature and the fact that no provision exists for the relief herein provided to the owners of the said titles, creates an imperative public necessity for the suspension of the constitutional rule, which requires that all bills be read on three several days, said rule is therefore suspended, and an emergency exists that this act should take effect from and after its passage, and it is so enacted.

Approved March 16, A. D. 1881.

Takes effect ninety days after adjournment.

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CHAPTER XLVII.—An act to amend article 1054, title 15, chapter 2, of the Code of Criminal Procedure of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That article 1054 be so amended as to hereafter read as follows, to wit:

"Article 1054. To the sheriff or constable shall be allowed the following fees in all cases of felony where the defendant has been convicted or acquitted, or where the prosecuting attorney has entered a nolle prosequi, or where the defendant has died before trial:

"1. For executing each warrant of arrest or capias, or making arrests without warrant, the sum of one dollar.

"2. For summoning or attaching each witness, fifty cents.

"3. For summoning jury, two dollars.

"4. For executing death warrant, fifty dollars.

"5. For removing a prisoner for each mile going and coming, including guards and all other expenses, when traveling by railroad, fifteen cents; when traveling otherwise than by railroads, twenty-five cents. For each mile he may be compelled to travel in executing criminal process, summoning or attaching witnesses, five cents. For traveling in the service of process, not otherwise provided for, the sum of five cents for each mile going and returning. If two or more persons are mentioned



in the writ, he shall charge for the distance actually and necessarily traveled in the service of the same.

"6. For conveying a witness attached by him to any court out of his county, his actual necessary expenses by the nearest practicable public conveyance, the amount to be stated by him under oath, and approved by the judge of the court from which the attachment issued, such account to become due when so approved, and the sheriff's or constable's return shall in every instance show the time and place of service.

"7. For attending a prisoner on habeas corpus, where such prisoner is charged with a felony, for each day two dollars, together with mileage as above when removing such prisoner out of the county under proper authority."

Approved March 17, A. D. 1881.

Takes effect ninety days after adjournment.

**CHAPTER XLVIII.**—An act to detach fifty-three hundred and thirty-four acres from Hill county, and attach the same to Johnson county, and define the line between said counties.

Section 1. Be it enacted by the Legislature of the State of Texas, That so much of the territory of Hill county as is contained in the territory hereinbelow set out be and the same is hereby detached from Hill county and attached to Johnson county, Texas: Beginning at the southeast corner of the William Kinsey 320 acre survey, lying north and adjoining Kimball's Bend on the Brazos river; thence with said William Kinsey's east boundary line, north 30 degrees west, to Hill and Johnson county line; thence in a westerly direction with said county line to the Brazos river to the northwest corner of Hill county; thence down the Brazos river with its meanders with the Hill county line to the lower corner of the said William Kinsey's survey; thence north 60 degrees east with the said William Kinsey's survey to the place of beginning. The above described territory contains fifty-three hundred and thirty-four acres, and embraces the following surveys: Mark M. Ridley, 500; A. J. Gilbert, 400; Thos. Larrison, 640; H. P. Moses, 230; C. B. Roberts, 640; J. Crouch, 320; L. N. West, 320; Thos. Russell, 1474; M. A. Johnson, 180; B. S. Jenkins, 320; William Kinsey, 320—5334.

Sec. 2. This to take effect from and after its passage.

Approved March 17, A. D. 1881.

Takes effect ninety days after adjournment.

**CHAPTER XLIX.**—An act to provide for the organization of the State Penitentiaries and for the more efficient management of the same.

#### The Penitentiary Board And Its Duties.

Section 1. Be it enacted by the Legislature of the State of Texas, That the governor, state treasurer and the superintendent of the State penitentiaries, are hereby created and constituted a board, to be styled "The Penitentiary Board." Two members thereof shall constitute a quorum for the transaction of business, and have power to carry any proposition, or make any act binding.

Sec. 2. That the said board shall have the general management and control of the State penitentiaries and other State penal institutions, established or to be established, and of all State convicts, whether within or without the walls of said institutions. It shall approve and make all contracts for the building of any new penal institutions, and for any additions, repairs and improvements necessary to be made in connection with the penitentiary or convict system of this State, on the terms prescribed by law, if any, or, in the absence thereof, on such terms as it may consider for the best interests of the State. It shall have power to purchase, or cause to be purchased, any lands, buildings, machinery, apparatus, tools, etc., necessary for the use, preservation and operation of the penitentiaries or other penal institutions, to the end that the largest number of State convicts that can be profitably employed and comfortably accommodated, therein, may be confined and worked within the walls as soon as practicable; provided, that no contract for improvements or purchase be made, unless an appropriation shall have been made therefor, except as hereinafter provided.

Sec. 3. Said board shall have power to appoint an architect to make examinations and estimates, and draw plans and specifications of buildings or other improvements to be made, and to perform such other duties as may be prescribed by said board, and he shall be entitled therefor to five dollars per day for the time employed, and his actual traveling expenses, to be approved by the board, the same to be paid out of such funds as may be appropriated, or if no appropriation has been made, then if the services have been performed in connection with the penitentiaries, then out of any penitentiary fund available for the purpose.

Sec. 4. It shall be the duty of said board to make contracts for the transportation of convicts from the counties where sentenced, or confined after sentence, to the penitentiaries or other penal institutions, under such regulations as may now or hereafter be prescribed by law, unless by the terms of any lease the lessees contract to receive them at the county jails.

Sec. 5. The board shall have power to condemn useless, injured or worn-out property of any description in or about the penitentiaries belonging to the State, and cause the same to be destroyed or sold, and if in any lease said property has been inventoried to any lessees, they shall receive credit for the same; provided, it was useless, injured or worn out when received.

Sec. 6. The governor may, with the concurrence of said board, at any time within two years next before the expiration of any lease of the penitentiaries, or either of them, make another lease subject to the provisions hereinafter contained, under which contract of lease the property and convicts leased shall be delivered at the expiration of the existing lease, whether it expires by limitation, forfeiture or by agreement between the penitentiary board and the lessees. The governor and the board shall have power to rescind by agreement a contract of lease, when the interests of the State will be benefited thereby.

Sec. 7. The board may at any time issue such orders, and prescribe such rules and regulations for the government of the penitentiaries, not inconsistent with law, as they may deem proper, in order to supply any defect in the general law, in regard to prison management and discipline, and to provide for such details as are not embraced therein, and for such contingencies as may at any time arise concerning the management of the penitentiaries and their proper and successful operation, and such

rules and regulations shall be made with the view to carry out the general principles on which the penal laws are founded, and the design for which the penitentiary system is established, and shall be binding upon all officers of penitentiaries, under-officers, lessees, employes, and all persons whatsoever in any way connected with the penitentiaries or their management, or with the convicts either within or without the walls thereof.

Sec. 8. The board shall have all laws, rules, regulations and by-laws printed in pamphlet form, for the information and guidance of all connected with the management of the penitentiaries or convict labor, and such parts of said rules as refer to the duties of subordinate officers and convicts shall also be printed in suitable form and posted in conspicuous places about the prisons, for the information of all concerned.

#### The Superintendent and His Duties.

Sec. 9. In order that there may be a more efficient supervision of the penitentiaries, and a uniformity in the management of the same, and of the discipline and general treatment of the State convicts, whether confined within or without the walls, the governor shall appoint, by and with the advice and consent of the Senate, a superintendent of penitentiaries, who shall hold his office for the term of two years, and until the appointment and qualification of his successor. In case of a vacancy in said office, the same may be filled by executive appointment for the unexpired term.

Sec. 10. The superintendent of penitentiaries shall reside and have his office at such place as may be designated by the penitentiary board. He shall have a general supervision and control over all penitentiaries established or to be established in the State, over the discipline, management, treatment and control of all convicts who may be imprisoned in said penitentiaries, or who may be operated outside the walls thereof, and over all officers, overseers and guards connected therewith. He may assign convicts to such penitentiary or camp as he may deem proper; provided, that in case of a lease of the penitentiaries, or any one of them, or of the convicts, or any number of them, such control shall not extend to the labor of the convicts, except as may be provided by law, or by the terms of contract; nor shall he nor any other officer do anything calculated in any manner to interfere with the rights of the lessees under their contract.

Sec. 11. The superintendent, as the principal executive officer of the penitentiaries, shall have all powers necessary to a discharge of his duties, subject to the restrictions imposed on him by law. He may designate such number of under-officers, keepers, guards, etc., to be appointed by the assistant superintendents and inspectors, with his approval, if not provided for in the rules, as he may deem necessary for the safe-keeping of the convicts, or for the maintenance of discipline, and he may discharge any under-officer or employe of official misconduct, or whenever, in his judgment, the public interest shall so require.

Sec. 12. The superintendent shall at all times have access to the penitentiaries and other places where convicts are employed, and shall, unless otherwise officially engaged, make a thorough inspection of each penitentiary at least once per month, and of each convict camp twice per year and oftener if practicable. He shall carefully examine into any and all complaints, whether made by officers, under-officers, lessees, convicts, or citizens, and, unless any complaint is found to be groundless, he shall take

such action as may be necessary to correct and prevent a recurrence of the same. When it is found that any assistant superintendent, inspector, chaplain, physician or lessee has been guilty of any serious official or other improper conduct, he shall report the facts thereof to the governor and penitentiary board for their action. Any officer of the penitentiary, under-officer, lessee or convict has a right, and it shall be his duty to report to the governor any official misconduct of the superintendent, or any cause of complaint whatever against him.

Sec. 13. The superintendent, in the discharge of his duties, is authorized to administer oaths, to summon and examine witnesses, and to take such other steps as he may deem necessary to ascertain the truth in respect to any matter about which he has a right to inquire. He shall examine and audit all accounts connected with the penitentiary in which the State is sought to be charged, and administer oaths to all parties presenting claims, and, to authenticate his acts, may use the seal of either penitentiary; provided, he shall not approve any claim for the transportation of convicts to the penitentiary, unless the same be sworn to and accompanied by the proper commitment papers, and until satisfied that all the prerequisites of the law have been complied with.

Sec. 14. He shall make a monthly report to the governor, as president of the penitentiary board, showing fully the condition and treatment of the convicts, and the changes in the prison population during the month. He shall at the same time furnish to the governor, to the comptroller and to the lessees a statement showing the amount due the State on account of the leasing of the penitentiaries or hire of convict labor. He shall, from time to time, make such suggestions to the penitentiary board as he may deem advisable relative to any improvements or changes in the plans of the penitentiaries or management. It shall be his duty, on or before the first day of November next preceding the regular session of the Legislature, to make a report to the governor, as president of the penitentiary board, in regard to the government, discipline, condition and management of the penitentiaries and convicts, showing the changes in prison population, the places where convicts are employed and occupations in which they are engaged, their moral, intellectual and physical condition, and such other matters as may seem pertinent or as may be required by the rules, the governor, or penitentiary board.

Sec. 15. The superintendent shall keep the records of all matters pertaining to the penitentiaries generally, and shall keep a register of all convicts belonging to the penitentiaries, whether within or without the walls of the penitentiaries, showing the registered number and name of each convict, giving aliases if any, age, height, complexion, color of hair and eyes, marks on person, sex, nativity, residence, county where convicted, date of sentence, date of receipt, previous occupation and habits, if known. He shall keep, as far as practicable, a record of the general condition and conduct of each convict, noting all punishments, forfeitures for bad conduct, changes and incidents of importance that may occur during his confinement, and to the end that full and correct records may be kept, he may require from all officers such monthly and other reports as he may deem proper. He shall issue discharges to such convicts as are entitled thereto by expiration of term or otherwise.

Sec. 16. During the absence of the superintendent from his office, he may designate some proper person to perform his clerical duties.

**Assistant Superintendents.**

Sec. 17. The governor shall appoint, by and with the advice and consent of the Senate, an assistant superintendent for each penitentiary now or hereafter to be established or organized, who shall hold his office for the term of two years, and until the appointment and qualification of his successor. In case of a vacancy in said office, the same to be filled by executive appointment for unexpired term; provided, that the governor shall make no appointment to said office until such time as the penitentiary board may deem that there is a necessity therefor.

Sec. 18. The assistant superintendent shall have the immediate supervision and control over the penitentiary for which he is appointed, and over all convicts confined therein, and over all officers, overseers and guards and employes connected therewith. He shall be responsible for the discipline of the prison, and the manner in which it is enforced. He shall appoint the under-officers, overseers and guards of the prison, subject to the approval of the superintendent, and may remove the same; provided, that when the penitentiary is leased his control shall not extend to the labor of the convicts, except as herein prescribed; nor shall he exercise his power of appointment when the terms of the lease require the lessees to appoint, though he may discharge any under-officer or employe for misconduct or failure to perform duty.

Sec. 19. An assistant superintendent shall have such powers as are necessary for a proper discharge of his duties, subject only to the law and the instructions of the superintendent and penitentiary board. He shall, if practicable, reside within the penitentiary, and shall not absent himself therefrom unless upon business connected with the duties of his office, or with the permission of the superintendent or governor. During his absence the under-keeper shall act in his stead.

Sec. 20. The assistant superintendent shall visit, frequently, the prison hospital, the cells, shops and other places in and near the penitentiary where the convicts may be, and shall see that they are humanely and properly treated, and shall give prompt attention to all complaints made by a convict in regard to his health, general condition, treatment, or against any officer, employe or lessee of the penitentiary; he shall see that the convicts are properly clothed, fed and taken care of in sickness and health; that the prison buildings, cells, shops and premises are kept in a neat, clean and healthy condition, and he shall frequently, at suitable times, converse in a kindly manner with the convicts under his charge, and use his best endeavors to produce in them a spirit of reformation.

Sec. 21. The assistant superintendent shall keep the records of the penitentiary of which he has charge, similar to those heretofore required to be kept by the superintendent. He shall keep a record of the conduct of each convict under his charge, noting all punishments and charges of misconduct. He shall, on the first of each month, make a report to the superintendent, on blanks to be furnished him, the number, names and description of all new convicts received by him during preceding month, with other changes in prison population; the names of those who have been sick, and the names of those punished, or whose conduct has been bad. He shall make such other reports as required by the rules, the superintendent or the governor. He shall make such biennial reports as may be required, to the superintendent, to be forwarded by him to the governor.

Sec. 22. He shall receive and receipt for all convicts that may be brought to the penitentiary, in accordance with law. He shall examine

and pass upon all accounts connected with the penitentiary under his charge, before submitting them to the superintendent for his approval. He must require all accounts to be sworn to; and he is authorized to administer oaths in all matters connected with the penitentiary and its management, and to all parties presenting claims as above mentioned, and for this purpose he shall be provided with a seal of office, whereon shall be engraved in the center a star of five points, and the words, "State Penitentiary, . . . . ., Texas," around the margin, the blank to be filled with the name of the place where the penitentiary is located, with which seal he shall authenticate all his official acts.

Sec. 23. He shall perform such other duties as may at any time be prescribed by the rules or the penitentiary board.

#### Inspectors and Their Duties.

Sec. 24. The governor shall appoint, by and with the advice and consent of the Senate when in session, two officers, to be styled "Inspectors of Penitentiaries," who shall hold office for the term of two years, and until the appointment and qualification of their successors; provided, that one or both the inspectors, who may at any time be appointed, may be discontinued when, in the opinion of the penitentiary board, the duties required are not sufficient to require the services of one or both of them.

Sec. 25. Inspectors have the immediate supervision of convicts and officers in charge of them at camps and other places outside the walls of the penitentiaries. It shall be the duty of the superintendent, with the assistance of the inspectors, to divide the convict camps, or places where convicts may be employed outside the walls, into two divisions, and assign one inspector to each division, but they may exchange work or divisions with each other at pleasure.

Sec. 26. The superintendent shall, from time to time, furnish the inspectors with a list of the convicts in each force in their respective divisions. Each inspector shall visit, at least once in each month, or oftener if required by the superintendent or penitentiary board, each convict camp or place of employment. He shall see that the convicts charged to each force are on hand, and if not, he must inquire and report the cause of absence. When a convict has died, he shall investigate into the cause of his death, and what nursing and medical attention were given him when sick. If a convict has escaped, he shall investigate fully, so as to fix the blame, if any, where it properly belongs. He shall make strict inquiry as to the treatment of convicts at outside camps, and as to whether the law and the rules are substantially complied with in their guarding, clothing, feeding and work; also as to whether the prison is secure, comfortable and kept clean. He shall specially notice the punishments inflicted, and whether legal and necessary.

Sec. 27. The inspection of each camp or force shall be thorough and searching, and the inspector shall examine into all complaints preferred by a convict, officer or others, and if there be any ground for complaint, he shall take immediate measures for the correction of the abuse. For this purpose, and any other connected with the management of outside convict forces, he is authorized to administer oaths, summon and examine witnesses, and take such other steps as he may deem necessary, to ascertain the truth. In case of illegal punishment, cruelty or abuse of a convict by any person, he may take such action as may be proper and necessary to bring the offender to-justice.

Sec. 28. The inspector shall report to the superintendent, once in each month, showing the management, condition, discipline and treatment of convicts in his division; how they have been fed and clothed during the month, and shall report the names and number of convicts who have escaped or died, the number sick, illegal punishments and abuses, and all other matters about which he has a right to inquire. They shall make such other reports as may be required.

Sec. 29. The inspector has the right to remove any under-officer in charge of convicts in his division, for incompetency, violation of law or failure to discharge his duty.

Sec. 30. The authority herein given to inspectors shall be exercised in conformity with law, and such regulations as may be established by the penitentiary board, and then only in correcting abuses and removing complaints, where convicts are employed outside the prison walls.

Sec. 31. The present assistant superintendents may be continued by the governor as inspectors without making new appointments.

#### The Physician and His Duties.

Sec. 32. The penitentiary board shall appoint for each penitentiary, when organized, a physician, who shall hold his office for two years, unless sooner removed by said board, and perform such duties as may be required by the board in addition hereto.

Sec. 33. The physician shall visit the penitentiary daily, and as much oftener as may be necessary, for the purpose of ascertaining the health of the convicts and giving proper medical attention to such as may require it. He shall attend immediately upon any case of sickness in the prison, when notified thereof, and he shall, when required, examine any convict as to his physical ability to perform work at which it is proposed to place him, and report result to the assistant superintendent.

Sec. 34. He shall notify the assistant superintendent when, on account of ill health, it may be deemed advisable to remove a convict from the penitentiary to some healthier locality, and he shall cause any convict with a contagious or infectious disease to be removed to some place to prevent the spread of such disease.

Sec. 35. Nurses may be employed by the physician, with the approval of the assistant superintendent, in serious cases of sickness or epidemics.

Sec. 36. A convict afflicted with serious illness or dangerous disease, shall not, in such condition, be discharged from the penitentiary, except upon his own request, although his time of imprisonment may have expired.

Sec. 37. He is specially charged with the sanitary regulations of the penitentiary, and shall make frequent inspections and use all precautions to keep the prison healthy, and prevent the introduction and spread of epidemic or contagious diseases.

Sec. 38. The physician shall keep a journal in which he shall enter the name of each convict treated by him or under his direction, noting duration of sickness, disease, treatment, date of discharge from hospital, or treatment, with such other entries as he may deem important, which journal shall, at all times, be open to the inspection of the assistant superintendent and the superintendent.

Sec. 39. He shall make such reports as required by the governor, penitentiary board, or superintendent. He shall make a biennial report to accompany that of the assistant superintendent, in which he shall state the number of cases of sickness during the two preceding years, diseases,

number of deaths and diseases with which they died, the number and character of surgical operations performed, such suggestions as he may deem important to the improvement of the sanitary condition of the prison; also any facts or incidents that he may deem of general interest or of benefit to science.

#### The Chaplain and His Duties.

Sec. 40. The penitentiary board shall appoint a chaplain for each penitentiary, when organized, who shall hold his office for two years, unless sooner removed by them.

Sec. 41. The chaplain shall preach at least once every Sunday to the convicts, and shall establish such associations, Sabbath schools and other schools for the benefit of the convicts, as he may deem proper, having due regard to the rules of the prison and being careful not to conflict in any manner with the discipline of the prison and the regular hours for labor.

Sec. 42. He may, at convenient times, visit convicts during their hours of license, during week days, and also in the hospital and at their cells, and administer to all such advice and consolation as he may deem best calculated to promote reformation. He must, at all times, impress upon them the necessity of a strict compliance with prison rules. He must use his best endeavors on all occasions to inculcate in them sound principles of religion and morality, but he shall not, in his conversations or discourses, discuss doctrines merely sectarian, but shall teach such principles of religion and morality as are common to all christian churches.

Sec. 43. By permission of physician, he may visit sick convicts, and shall always be admitted to the bedside of any convict in a dying condition.

Sec. 44. Preachers, ministers and priests of all religious denominations shall, by the consent of the superintendent, assistant superintendent or chaplain, have access to the penitentiaries, and may at any reasonable time be allowed to preach to the convicts. A convict shall, at all proper times, be permitted to receive visits from, and hold converse with any preacher, minister or priest he may desire to see.

Sec. 45. The chaplain shall be ex-officio librarian of the penitentiary, and perform such other duties not herein prescribed, as the rules may require.

#### The Under-Officers and Employees.

Sec. 46. The assistant superintendent of each penitentiary shall appoint, with the approval of the superintendent, such number of under-officers as may be necessary to preserve discipline and prevent escapes; provided, no person under twenty-one years of age shall be employed as a guard; and provided, that during the present lease the lessees have the right under their contract to appoint under-officers and guards, but subject to removal by the superintendent, assistant superintendent or inspectors, for inefficiency or misconduct.

Sec. 47. All under-officers and employees shall be subject to the orders of the assistant superintendent, and shall, in all things, comply with his directions. Any complaint of ill treatment toward them on his part may be made to the superintendent, who shall inquire into the same and take such action as the facts may seem to demand.

Sec. 48. When the penitentiaries are being operated on State account the superintendent, under the direction of the State board, may employ



such number of skilled workmen or other employes as may be deemed essential to their successful operation and to the pecuniary interest of the State.

Sec. 49. Under-officers and employes shall, after the termination of the present lease, receive such compensation for their services as the penitentiary board may prescribe (the maximum amount of such compensation to be fixed by said board before another lease is made), to be paid in such manner as may be prescribed by the board.

**The Treatement of Convicts, and General Provisions.**

Sec. 50. The various provisions of this act are designed to secure to the convicts humane treatment, suitable moral instruction, to provide for their health, and to extend to them such comforts and privileges as may be consistent with their situation, and at the same time to require of them a due attention to their various duties, and a strict observance of the discipline, rules and regulations of the prison.

Sec. 51. The convicts shall all be treated with humanity; but a distinction may be made in their treatment so as to extend to such as are orderly, industrious and obedient, comforts and privileges according to their deserts. The rewards to be bestowed upon convicts for good conduct shall consist of a relaxation of strict prison rules, shall consist of an extension of social privileges, permission to read and write, and such other privileges as may not be inconsistent with proper discipline. Commutation of time for good conduct may be granted by the superintendent as follows: For each month in which no charge of misconduct is sustained or charged, first year two days per month, twenty-four days per year; second year, three days per month; third year, four days per month; fourth year, five days per month; fifth year, six days per month; sixth year, seven days per month; seventh year, eight days per month; eighth year, nine days per month; ninth year, ten days per month; tenth year, and all succeeding years, fifteen days per month. For each sustained charge of misconduct the commutation for one month in that year to be forfeited; and for any mutinous conduct, conspiracy or escape, or attempt to escape, all good time made to that date to be forfeited. For extra meritorious conduct on the part of any convict, he shall be recommended to the favorable consideration of the governor for increased commutation or pardon.

Sec. 52. The punishments that may be prescribed by the penitentiary board shall consist of deprivation of privileges, closer imprisonment, confinement in cell on bread and water, confinement in dark cell, confinement in irons, and other punishments of like character; but a convict shall not be deprived of his food at regular hours, except as above provided. Whipping may be resorted to upon a special order in writing from the superintendent or assistant superintendent or inspector, in aggravated and particular cases, and under such rules and instructions as may be prescribed in the rules. A convict's head shall not be shaved in any instance; nor shall stocks or "horse" be used under any circumstances.

Sec. 53. Suitable clothing, substantial material and uniform make, and sufficient food of wholesome quality, shall be furnished to all, and, in order that all convicts be fed alike, as near as practicable, the rules shall prescribe the kind, quality and variety of food to be furnished. Convicts are to be allowed no spirituous, vinous or malt liquors, except upon prescription of the physician.

Sec. 54. Convicts sentenced to hard labor shall be kept at work, under such rules and regulations as may be adopted; but no labor shall be

required of any convict on Sunday except such as is absolutely necessary; and no greater amount of labor shall be required of any convict than a due regard for his physical health and strength may render proper; nor shall any convict be placed at such labor as the penitentiary physician may pronounce him physically unable to perform.

Sec. 55. Convicts who have been reported by the physician, inspector or other officer in charge, as in a condition of health which requires their removal to some other place, shall be accordingly promptly removed, but under such regulations and in such manner as will prevent escape.

Sec. 56. Convicts, when received into the penitentiary, shall be carefully searched. If money be found on the person of a convict, or received by him at any time, it shall be taken charge of by the assistant superintendent and placed to the convict's credit, and expended by him for the convict's benefit on his written order, and under such restrictions as may be prescribed by the rules. Any officer who, having charge of a convict's money, misappropriates the same or any part thereof, or who seeks to speculate on such convict, shall be removed from office.

Sec. 57. Convicts of different sexes shall be kept separate and apart. If a female convict be received with an infant child, or if any child shall be born in the penitentiary, the child shall be permitted to remain with its mother until four years of age, when it shall be provided for as may be prescribed by the penitentiary board.

Sec. 58. It shall be the duty of the assistant superintendent, inspector or other officer in charge of a penitentiary, division, or convict camp or force, to have all convicts who may die while in custody decently buried, and each grave marked by a board with the name of convict, date of death, age if known, and county whence sentenced, inscribed thereon.

Sec. 59. Convicts who are unable to read or write may receive instructions under such regulations as may be prescribed by the penitentiary board; and the said board may, whenever practicable to do so, employ a competent teacher for that purpose.

Sec. 60. When a convict is entitled to his discharge from prison, he shall be furnished with a written or printed discharge from the superintendent of penitentiaries, with seal affixed, giving convict's name, date of sentence, from what county, amount of commutation received, if any, and such other description as may be practicable. He shall be furnished with a plain suit of citizen's clothing, five dollars in money, and railroad transportation to nearest depot to county seat from whence sentenced, not to exceed fifteen dollars; but if convict prefers, he may receive transportation tickets for same distance in some other direction.

#### **Salaries of Penitentiary Officers.**

Sec. 61. The superintendent of penitentiaries shall receive an annual salary of twenty-five hundred dollars, to include his traveling expenses.

Sec. 62. The assistant superintendents shall each receive an annual salary of fifteen hundred dollars, and no more.

Sec. 63. The inspectors shall each receive an annual salary of two thousand dollars, and no more, to include traveling expenses.

Sec. 64. The physicians of the penitentiary shall each receive an annual salary of seven hundred and fifty dollars, and no more.

Sec. 65. The chaplains of the penitentiary shall each receive an annual salary of three hundred dollars, and no more.

*Visits to the Penitentiaries.*

Sec. 66. The governor and all other members of the executive and judicial departments of the government, and members of the Legislature, shall be admitted into the penitentiaries at all proper hours, for the purpose of observing the conduct and operations thereof, and may hold conversations with the convicts apart from any of the prison officers.

Sec. 67. Other persons may visit the penitentiaries under such rules and restrictions as may be established.

*Leases and Lessees of the Penitentiary.*

Sec. 68. The system of labor in the State penitentiaries shall be by lease, by contract, by the State, or partly by one system and partly by the others, as shall be in the discretion of the penitentiary board deemed for the best interest of the State.

Sec. 69. Whenever practicable, the penitentiaries may be operated under a lease, in accordance with the regulations herein prescribed; but no lease shall be made by which the control of the convicts, except as to a reasonable amount of labor, shall pass from the State or its officers, and the management of convicts shall in all cases and under all circumstances remain under the control of the State and its officers.

Sec. 70. Each lease of the penitentiaries shall be for some definite term, not to exceed fifteen years, after public notice by advertisement in at least three newspapers in the State, and shall be executed by the governor, with the concurrence of the penitentiary board, upon such terms and conditions as said board may deem best for the public interest, special regard being had as far as practicable to the exaction of the penalty imposed by law on each convict, and to the protection, well-being and humane treatment to which a convict is entitled at the hands of the State; provided, that said board, in order to organize and put in operation the Rusk penitentiary to the end that a greater number of convicts shall be confined within the walls before the termination of the present lease, and, as soon as practicable, shall have the power to modify the terms of the present lease so as to include both penitentiaries and to extend the said lease.

Sec. 71. In case of a lease of any penitentiary, the lessee or lessees shall execute and deliver to the governor a bond in an amount to be designated by the penitentiary board, with two or more good and sufficient sureties, to be approved by said board, payable to the governor, and conditioned that the lessee or lessees shall faithfully comply with the terms of the lease, which bond shall be deposited in the office of the secretary of state.

Sec. 72. Every lease shall be subject to the approval or revocation of the first Legislature thereafter convened, and to any and all existing laws touching the penitentiaries and convicts, or any others thereafter passed; and any failure on the part of a lessee to carry out in good faith any of the terms of his lease, or to comply with any of the conditions of any bond he may have executed, shall ipso facto operate as a forfeiture of such lease, and the governor may so declare, and at once resume control of the penitentiary or penitentiaries, and every lease shall be subject to the reservations to the State contained in this act, whether specified in the lease or not, and the State shall not, under the guise of contract, or in any other manner, part with the right to direct how at any time and under all circumstances its convicts shall be lodged, fed, clothed, worked, guarded and treated.

Sec. 73. The penitentiary board may make and change at pleasure all rules for the discipline and punishment of convicts, and how they shall be fed, clothed, worked, guarded or instructed, and for the purpose of enforcing any regulations touching the physical capacity of convicts to perform certain kinds of labor, or regulation requiring certain convicts to be kept within the prison walls. The superintendent may require the lessees of the penitentiaries to change convicts from one kind of labor to another, and to remove them within the prison walls.

Sec. 74. Whenever a penitentiary is leased an inventory and valuation of all the materials, machinery and property of every description belonging to the penitentiary, except such reservations as the penitentiary board may direct, and except the land, shall be made by appraisers, one of whom shall be appointed by the governor and the other by the lessees, and in case of disagreement between the appraisers, they shall select an umpire. Upon completion of the appraisement and its return to the governor, under oath, the property shall be receipted for to the governor at its appraised value.

Sec. 75. Upon the termination of any lease, by limitation or otherwise, the lessees shall quietly and peacefully surrender and return to the State all property belonging to the penitentiary; when a like inventory and valuation shall be made of all the property belonging to the State, or to the possession of which it may be entitled under the terms of the lease. For all property returned in good order and repair the lessees shall be credited with the value thereof, as fixed by appraisement when he received it. For all property returned, not in good order and repair, the lessees and sureties shall be charged with such amount, to be estimated by appraisers, as will be necessary to put the same in good order and repair, and for all property received from the State and not returned, the lessees and their sureties shall pay the value thereof as fixed by appraisement when received, except that the lessees shall not pay for property destroyed by fire, or otherwise, not occasioned by the fault of themselves or their employees.

Sec. 76. The lessees shall have the use of all lands, buildings, machinery, tools and other property connected with the penitentiary leased, and may make improvements and additions to the penitentiaries with the approval of the penitentiary board, and under such limitations as may be prescribed by law, and such lessees shall be allowed a reasonable compensation for such improvements as are of a permanent nature at the expiration of the lease, the amount of such compensation to be determined by said board; provided, if any improvements are made by lessees with the approval and consent of said board, and the said lessees, by the terms of the lease, have to pay to the State any moneys before the termination of the lease, they shall be credited with said improvements, first, on any funds that may then be due the State; or, second, out of first moneys which may become due the State on account of said lease.

Sec. 77. Lessees shall have the right to introduce into the penitentiaries such skilled labor as they may deem proper and necessary for the efficient operation of convict labor, and to superintend and instruct the same, but such employes to be subject to the rules of the prison.

Sec. 78. The lessees shall furnish everything necessary for the support and maintenance of the penitentiary leased, including the salaries of all officers, and the compensation of under officers, to be paid as may be directed by the penitentiary board. In the execution of any lease, the penitentiary board may make such other stipulations and agreements, not

inconsistent with the provisions of this act, as it may deem to the interest of the State or essential to its protection, and such stipulations and agreements shall be binding in all respects upon the lessees, and the bond given shall be construed to extend to and include the performance of such stipulations and agreements, in the same manner as if the duties were imposed by positive law.

Sec. 79. The right to hire out convicts and to operate them outside the walls, either by the State or lessees, is expressly given, but they shall be hired out in as large forces as practicable, concentrated as much as possible, and easily accessible, so that they may be kept more secure, better provided for, and more frequently inspected.

Sec. 80. The penitentiary board may prescribe what class or classes of convicts may be hired out or put to labor outside the prison walls, and such other regulations pertaining to the same as may be deemed proper, but no convict shall be put to outside labor when his labor can be utilized within the walls; provided, that on the first day of January, 1882, or as soon thereafter as practicable, the penitentiary board shall provide that as many convicts as can be comfortably accommodated and profitably employed be confined within the walls of the penitentiaries now or hereafter established.

Sec. 81. The superintendent, with the governor's approval, may offer such reward for the apprehension of an escaped convict, not exceeding one hundred dollars, exclusive of expenses of delivery, as may be fixed by the penitentiary board, and to be paid as directed by the said board, the reward and expenses either from the penitentiary lease fund, or from the appropriation for the arrest of fugitives from justice.

Sec. 82. The provisions of this act shall apply to the present lease of the penitentiary at Huntsville, but shall not be construed to increase or add to the pecuniary responsibilities or obligations of the present lessees and their sureties as they stood when they executed their bond to the State.

Sec. 83. That this act is intended to take the place of all other laws in regard to the organization of the penitentiaries, and that all acts and parts of acts in conflict herewith are hereby repealed.

Sec. 84. The fact of the near approach of the end of the session rendering it impossible to do so constitutes an emergency and an imperative public necessity, which justifies the suspension of the constitutional rule requiring this bill to be read on three several days, therefore the said rule is hereby suspended; and whereas it is necessary that work should be commenced at once, under the provisions of this bill, therefore an emergency exists which requires that this act take effect and be in force from and after its passage, and it is so enacted.

Approved March 17, A. D. 1881.

Takes effect from passage.

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## CHAPTER L.—An act to validate certain notarial acts in the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That all acts of notaries public appointed by authority of laws of the State of Texas, evidenced by the impress of a notarial seal having the word "Texas" engraved just over the points of the star thereon, also where the word "Texas" is engraved between the points of the star, and county of

the residence of the authenticating officer under the star; or seals having the words "..... County, Texas," instead of "County of ....., Texas," are hereby made as valid and binding as though the words "Texas" had been engraved on the margin of the seal.

Sec. 2. That this act take effect and be in force from and after its passage.

Approved March 18, A. D. 1881.

Takes effect ninety days after adjournment.

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**CHAPTER LI.**—An act to authorize and empower the treasurer, with the advice and consent of the governor and comptroller, to use surplus moneys that may be at any time in State treasury belonging to the general fund for the purchase and retirement of outstanding bonds of the State.

Section 1. Be it enacted by the Legislature of the State of Texas, That the treasurer be and is hereby authorized and empowered, with the advice and consent of the governor and comptroller, to use such surplus moneys belonging to the general fund as may at any time be in the treasury in excess of all current appropriations against the same, and the further sum of seventy-five thousand dollars for the purchase and retirement of any of the outstanding bonds of the State, upon such terms as may be deemed advantageous to the State.

Sec. 2. All outstanding bonds purchased under the provisions of this act shall be cancelled and burnt by the treasurer in the presence of the governor and comptroller.

Sec. 3. Whereas, the objects sought to be obtained by this act are of great public interest; and, whereas, the near approach of the adjournment of the Legislature endangers its consideration on three several days, thereby creating an imperative public necessity for dispensing with the rule which requires this bill to be read on three several days, and creates an emergency that this act be in force from and after its passage, and it is so enacted.

Approved March 18, A. D. 1881.

Takes effect from passage.

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**CHAPTER LII.**—An act to amend article 4752, title 95, of chapter 4, of the Revised Statutes of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That article 4752, of title 95, chapter 4, of the Revised Statutes, shall be amended so as hereafter to read as follows, viz:

"Article 4752. In making sales of real property for taxes the collector shall advertise the same for sale in some newspaper published in the county where the land is to be sold, for three successive weeks, if there be one, and the publisher of such newspaper shall receive as compensation not exceeding twenty-five cents for each tract or parcel of land so advertised, to be taxed as other costs of sale against such land; provided, the cost of advertising in a newspaper shall be deducted from the fees allowed the collector for advertising; and, provided, that the comptroller shall

allow the collector twenty-five cents per tract for each tract of land bid off by the State; and if there be no newspaper published in the county, or there being a newspaper published in the county, and the publisher thereof refuses to publish the advertisements at the price herein fixed, then advertisement shall be made by posting the same for thirty days previous to the day of sale, at the court-house door and three other public places in the county where the land or lots are situated, giving in said advertisement such description as is given to the same on the tax rolls in his hands, stating the name of the owner, if known, and if unknown, say "unknown," together with time, place and terms of sale, said sale to be for cash, to the highest bidder, at public outcry, at the court-house door, and between legal hours, on the first Tuesday of the month."

Sec. 2. Whereas, the law only requires tax sales to be posted, which is very prejudicial to land owners, the same not being sufficient notices; and, whereas, the time for advertising such sales is nearly at hand; therefore an imperative public necessity exists requiring the suspension of the constitutional rule requiring this bill to be read on three several days; therefore, resolved that said rule be suspended, and this act take effect and be in force from and after its passage.

Approved March 18, A. D. 1881.

Takes effect from passage.

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CHAPTER LIII.—An act to amend chapter 3, of title 15, of an act entitled "An act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas," approved Feb. 21, 1879.

Section 1. Be it enacted by the Legislature of the State of Texas, That chapter 3, of title 15, of the act entitled "An Act to adopt and establish a Penal Code and a Code of Criminal Procedure," approved February 21, 1879, be amended by adding thereto a new article, to follow article 1074, to be entitled article 1074a, and read as follows:

"Article 1074a. In all cases where indictments have been presented against persons in one county, charging them with any offense against the Penal Code, and such causes have been removed by change of venue to another county, and tried therein, the county from which such cause is removed shall be liable for all expenses incurred for pay of jurors in trying such causes."

Sec. 2. That the above recited act shall be amended by adding thereto another article, to follow article 1074a, to be called article 1074b, to read as follows:

"Article 1074b. That it shall be the duty of the county commissioners of each county in the State, at each regular meeting, to ascertain whether, since their last regular meeting, any person has been tried for crime upon a change of venue from any other county, and if they shall find such to be the case, it shall be their duty to make out an account against such county from which such cause was removed, showing the number of days the jury in such case was employed therein, and setting forth the amount paid for such jury service; such account shall then be certified to as correct by the county judge of such county, under his hand and seal, and be by him forwarded to the county judge of the county court of the county from which the said cause was removed, which account shall be paid in the same manner as accounts for the safe-keeping of prisoners, in article 1074 of this Code."

Sec. 3. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Sec. 4. Whereas, several counties now have causes pending in their courts by a change of venue from another county, and under the present law such counties very unjustly are required to pay all the jury expenses attending the trial of the same, therefore an emergency exists, and an imperative public necessity demands the suspension of the constitutional rule requiring a bill to be read on three several days, said rule is therefore suspended, and this act shall take effect and be in force from and after its passage.

Approved March 18, A. D. 1881.

Takes effect from passage.

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CHAPTER LIV.—An act to define the time for holding the district court of Kaufman county.

Section 1. Be it enacted by the Legislature of the State of Texas, That the district court in and for Kaufman county shall hereafter be begun and holden on the first Mondays in June and December in each year, and shall continue in session four weeks; provided, that all writs and process heretofore issued and executed and made returnable to any former term of said court are hereby made valid for all purposes for which they were intended; and all writs and process made returnable to said court shall be made returnable to the terms of said court as herein defined.

Sec. 2. Be it further enacted, That the judge of said district court may order such special terms of said court as may be necessary to clear the docket of all the business remaining unfinished in said court in the manner that is now provided by law.

Sec. 3. There being an urgent demand for the immediate passage of this law, and the necessity existing for the same, so as to make the time more convenient to the people, therefore an emergency exists for its immediate passage, therefore it shall take effect from and after passage.

Approved March 22, A. D. 1881.

Takes effect from passage.

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CHAPTER LV.—An act to amend articles 4662, 4664 and 4665 of chapter 1, title 95, of the Revised Statutes, adopted February 28, 1879.

Section 1. Be it enacted by the Legislature of the State of Texas, That article 4662 of the Revised Statutes shall hereafter read as follows:

"Article 4662. There shall be levied and collected an annual direct ad valorem State tax of four-tenths of one per centum of the cash value thereof, estimated in lawful currency of the United States, on all real property situated, and all movable property owned, in this State on the first day of January of each and every year, except so much thereof as may be exempted by the constitution and laws of this State, which cash value shall be estimated in the lawful currency of the United States."

Sec. 2. That article 4664 of the Revised Statutes shall hereafter read as follows:



"Article 4664. There shall be levied and collected from every male person between the ages of twenty-one and sixty years, resident within this State on the first day of January of each year (Indians not taxed, and persons insane, blind, deaf and dumb, or those who by amputation of one hand or one foot excepted), an annual poll tax of two dollars each—one dollar for the benefit of free schools, and one dollar for general revenue purposes."

Sec. 3. That article 4665 be so amended as to hereafter read as follows:

["Article 4665.] That there shall be levied on and collected from every person, firm, company, or association of persons, pursuing any of the following named occupations, an annual tax, except when herein otherwise provided, on every such occupation or separate establishment as follows:

"From every merchant whose purchases amount to one hundred thousand dollars annually, one hundred and eighty dollars; from every merchant whose annual purchases amount to fifty thousand dollars, ninety dollars; from every merchant whose annual purchases amount to twenty-five thousand dollars, forty-five dollars; from every merchant whose annual purchases amount to fifteen thousand dollars, twenty-seven dollars; from every merchant whose annual purchases amount to ten thousand dollars, eighteen dollars; from every merchant whose annual purchases amount to five thousand dollars, nine dollars; from every merchant whose annual purchases amount to two thousand dollars or less, five dollars.

"From every commercial traveler, drummer, salesman or solicitor of trade by sample or otherwise, an annual occupation tax of fifty dollars; provided, that the tax herein required to be paid by such commercial traveler, drummer, salesman or solicitor shall be paid to the comptroller of public accounts, whose receipt, under seal, shall be evidence of the payment of such tax; and, provided further, that no county, city or town shall levy or collect any occupation tax upon such commercial traveler, drummer, salesman or solicitor; provided, that nothing herein contained shall apply to any one soliciting subscriptions for religious, literary or historical books or maps, or to persons soliciting for nurseries; provided, further, that every commercial traveler, drummer, salesman or solicitor of trade, before he solicits for orders, or makes any sale of any article whatever in any county of this State, shall file with the county clerk of such county the comptroller's receipt for the occupation tax herein prescribed, and the clerk shall immediately record such receipt, and return the same to such commercial traveler, drummer, salesman or solicitor of trade, on his payment of a fee of twenty-five cents therefor; and every commercial traveler, drummer, salesman or solicitor of trade, who shall solicit orders, or make any sales in any county in this State without first having the receipt of the comptroller for his occupation tax duly recorded as herein prescribed, shall be deemed guilty of a misdemeanor, and fined in any sum not less than twenty-five nor more than one hundred dollars.

"A merchant, in the meaning of this act, is any person, firm or association of persons engaged in buying and selling goods, wares and merchandise of any kind whatever.

"From every traveling person selling patent or other medicines, two hundred dollars; and no traveling person shall so sell until said tax is paid.

"From every fortune-teller, two hundred dollars.

"From every clairvoyant or mesmerist, who plies his or her vocation for money, five dollars for each and every county in which such vocation is carried on.

"From every person, firm or association of persons engaged in discounting and shaving paper, or engaged in business as money-brokers or bankers, or in buying and selling bonds, State or county warrants, or other claims against the State, an annual tax of twenty dollars in a city or town of not more than two thousand inhabitants; in a city or town of five thousand and not less than two thousand inhabitants, an annual tax of fifty dollars; in a city or town of ten thousand and not less than five thousand inhabitants, an annual tax of one hundred dollars; in a city or town of twenty thousand and not less than ten thousand inhabitants, an annual tax of one hundred and fifty dollars; in a city or town of forty thousand and not less than twenty thousand inhabitants, an annual tax of two hundred dollars.

"From every operator or owner of any daguerrean, photograph or other such like gallery, by whatever name called, if in any incorporated city or town of less than five thousand inhabitants, eight dollars; if more than five thousand inhabitants, eighteen dollars; and if elsewhere, five dollars; and from every person soliciting work for any daguerrean, photograph or such like gallery, or for persons engaged in the business of copying or enlarging pictures or photographs of any character, where such gallery is not situated in, or such business is not in, the county in which he solicits such work, ten dollars.

"From every auctioneer doing business in a city of ten thousand inhabitants or more, an annual tax of sixty dollars; from every auctioneer in a city or town of five thousand and not more than ten thousand inhabitants, forty dollars; from every auctioneer in a city or town of two thousand inhabitants and not more than five thousand, twenty-four dollars; from auctioneers in all other towns or villages, sixteen dollars.

"From every person, firm or association of persons following the occupation of ship merchandising, if in a city or town of ten thousand inhabitants, or more, twenty-five dollars; if in a city or town of less than ten thousand inhabitants, ten dollars.

"From every keeper of a toll-bridge, an annual tax of ten dollars.

"From every person, firm or association of persons selling upon commission, an annual tax of ten dollars.

"From land agents there shall be collected an annual tax of eight dollars.

"The term 'land agent' shall be construed to mean any person, firm or association of persons performing for compensation any of the following services: Purchasing or selling real estate for others; purchasing or selling land certificates for others. But this term 'land agent' shall not be so construed as to levy any tax upon attorneys in addition to the one hereinafter levied, when pursuing the occupation of an attorney, strictly as such.

"From every person practising law, five dollars; provided, that attorneys-at-law shall only pay county occupation tax in the county of his or their residence.

"From every practicing physician having a permanent home in this State, five dollars; provided, that physicians shall only pay county occupation tax in the county of their residence.

"From every physician, surgeon, oculist or medical specialist of any kind, traveling from place to place in the practice of his profession, an annual tax of fifty dollars in each county where he may practice his profession.

"From every dentist in a city or town of ten thousand inhabitants or

more, ten dollars; from every other dentist, eight dollars. But a dentist shall be liable for county occupation tax only in the county of his residence.

"From every other person, firm or association of persons pursuing the occupation of posting up advertising bills or notices, tacking up advertising cards or notices of tin, wood or other material, printing or lettering words or pictures on fences or other places as a means of advertising, the sum of twenty-five dollars per annum for the State, and in each county in which the occupation may be pursued, an annual tax of five dollars.

"From every person or firm keeping a shooting-gallery at which a fee is paid or demanded, an annual tax of twenty dollars in each county.

"For every billiard, bagatelle, pigeon-hole, devil-among-the-tailors, or jenny lind table, or anything of the kind used for profit, fifty dollars.

"For every horse race on which money or anything of value is bet, where the distance run does not exceed four hundred and forty yards, twenty-five dollars for each horse entered, to be paid to the tax collector before the race is run by the person entering the horse. For any person or persons who shall sell pools on horse races, five dollars for each and every day they may so sell said pools.

"For every nine or ten pin alley, or any other alley used for profit by whatever name called, constructed or operated upon the principle of a bowling alley, and upon which balls are rolled without regard to the number of pins used, or whether pins are used or not, or whether the balls are rolled by hand or with a cue, one thousand dollars. Any such alley used in connection with any drinking saloon, or any drug store, where intoxicating liquors are sold or given away, or upon which any money or thing of value is paid, shall be regarded as used for profit.

"From all persons keeping or using for profit any hobby-horse or flying-jenny or device of that character, with or without name, twenty dollars for each county wherein the same are kept or used.

"From every foot peddler, ten dollars in each county where he peddles. For every peddler with one horse or one pair of oxen, the sum of twenty-five dollars in each county where he peddles. For every peddler with two horses or two pairs of oxen, forty dollars in each county in which he may pursue such occupation; provided, nothing herein contained shall be so construed as to include traveling vendors of tin or earthenware.

"For every theatre or dramatic representation from which pay for admission is demanded or received, five dollars for each day they may perform, or one hundred and twenty-five dollars per quarter; provided, that theatrical or dramatic representations given by performers for instruction only, or entirely for charitable purposes, shall not be herein included.

"For every circus, where equestrian or acrobatic feats and performances are exhibited, for which pay for admission is demanded or received, for each performance thereof, fifty dollars, notwithstanding more than one such performance may take place daily.

"For every exhibition where acrobatic feats are performed for profit, not connected with the circus, ten dollars for each performance.

"For every sleight-of-hand performance, or exhibition of legerdemain, ten dollars.

"For every fight between men and bulls, or between dogs and bulls, or between bears and dogs, or between bulls and any other animals, five hundred dollars for each performance, if exhibited for pay.

"For every cock fight, when exhibited for profit, or upon which any money or thing of value is bet or paid, five dollars.

"For every menagerie, wax-work or exhibition of any kind where a separate fee for admission is demanded or received, ten dollars for every day on which fees for such admission are received.

"For every concert where a fee for admission is demanded or received, five dollars; provided, that entertainments, when given by the citizens for charitable purposes, or for the support or aid of literary associations, are excepted.

"For every livery or feed stable, forty cents for each stall, and forty cents for each hack, buggy or other vehicle; for every hack, buggy, or other vehicle let for hire, not connected with a livery stable, two dollars and fifty cents; for every wagon-yard, not connected with a livery or feed or sale stable, eight dollars.

"From every person, firm or association of persons dealing in stocks or bills of exchange in a city or town exceeding ten thousand inhabitants, an annual tax of seventy-five dollars; in a city or town of five thousand inhabitants, and less than ten thousand, an annual tax of fifty dollars; in a city or town of one thousand, and less than five thousand, inhabitants, an annual tax of twenty dollars; in any city or town of less than one thousand inhabitants, an annual tax of ten dollars.

"From every life insurance company doing business in this State, an annual tax of three hundred dollars; and in every county in which they may do business, ten dollars as county tax.

"From every fire and marine insurance company doing business in this State, an annual tax of two hundred dollars; and in every county in which they may do business, ten dollars as county tax.

"The State tax due from insurance companies shall be paid by such companies to the comptroller of public accounts, whose receipt, under seal, shall be issued to the company or companies, certified copies of which shall be evidence of payment of State tax, and the county collector's receipt shall be authority to work in any county of this State for which such company has a receipt.

"From every person, firm or association of persons dealing in lightning rods, an annual tax of fifty dollars to the State, and twenty-five dollars as county tax to the county in which such business is carried on; upon every person canvassing for the sale of lightning rods, an annual tax of fifty dollars to the State, and twenty-five dollars as county tax to each county in which such canvassing is done.

"From every person, firm or association of persons following the occupation of cotton broker, cotton factor and commission merchant, in a city of more than five thousand inhabitants, an annual tax of fifty dollars, and in all other cases an annual tax of twenty-five dollars; provided, that a merchant who pays an occupation tax, as under section 3 of this act, shall not be considered as a 'cotton broker.'

"From every pawnbroker, an annual tax of one hundred dollars.

"From every person pursuing the occupation of a cotton buyer, ten dollars; provided, that a merchant who pays an occupation tax as herein prescribed shall not be considered as a cotton buyer.

"From every person, firm, agency or association of persons dealing in sewing machines, an annual tax of twenty dollars to the State, and ten dollars as county tax in every county where such business may be carried on; and upon every person canvassing for the sale of sewing machines, an annual tax of twenty dollars to the State, and ten dollars to each county

in which such canvassing may be done; provided, that a merchant who pays an occupation tax as required by this section shall not be required to pay this special tax for selling sewing machines.

"From every person, firm or association of persons doing an express business in this State, an annual tax of seven hundred and fifty dollars shall be levied and collected, this tax to be paid by such person, firm or association of persons doing an express business, to the comptroller of public accounts, whose receipt, under seal, shall be issued to the company or companies, certified copies of which shall be evidence of the payment of the State, county and municipal occupation tax.

"From every person, firm or association of persons owning or running any palace, sleeping or dining-room cars not owned by the railway company, on any railroad in this State, there shall be collected an annual tax of two dollars per mile for each and every mile of any and all railroads in this State over which such cars may run. The tax herein due shall be paid by said person, firm or association of persons, to the comptroller of public accounts, whose receipt, under seal, shall be issued to the company, person or firm, certified copies of which shall be evidence of the payment of State tax; provided, that nothing herein contained shall authorize the levy of any county or municipal tax upon such person, firm or association of persons.

"From every person, firm or association of persons, owning or running any railroad cars, steamboats or stage coaches in this State, there shall be collected quarterly, on the 1st days of January, April, July and October of each year, a tax of one per centum upon their gross receipts from all passenger travel within this State, the same gross receipts to be returned under oath by said owner, agent or manager of said company, to the comptroller, and said tax to be collected by the comptroller, under such regulations as he may prescribe; provided, that nothing herein contained shall authorize the levy of any county or municipal tax upon such person, firm or association of persons.

"From every chartered telegraph company doing business within this State there shall be collected one cent for every full rate message and one-half that for every message less than a full rate message sent; this tax to be paid quarterly to the comptroller on the sworn statement of the chief manager of said company or companies, who shall keep a record of such messages; and the receipt of the comptroller, under seal, shall be issued to said company or companies, certified copies of which shall be evidence of the payment of the State tax; provided, railroad messages for running their trains and for company use shall not be taxed; provided further, that nothing herein contained shall authorize the levy or collection of any county or municipal tax upon any such chartered companies for messages sent.

"From each gas company manufacturing gas, fifty dollars.

"Provided further, That the payment of the tax heretofore imposed by law shall not authorize any person or firm to pursue any occupation upon which a tax is imposed by this act, except on compliance with the provisions of this act; and such person or firm shall have credit on the amount of tax levied by this act for the amount already paid by him or them on so much of the term paid for as shall not have expired at the time this act shall take effect; provided, that the fact that a tax is levied by this article upon bagatelle, pigeon-hole, devil-among-the-tailors, jenny lind table, or anything of the kind used for profit, and upon any nine or ten pin alley, or other alley used for profit, shall not be construed to

exempt from the punishment prescribed by law any person who may violate any of the provisions of chapter 3 of the Penal Code; provided further, that this act shall not be construed to prevent persons, or firms of persons, who pay an occupation tax under this act for pursuing the occupation of a merchant in a city or town, from soliciting trade within the corporation limits of said city or town where they reside."

Sec. 4. Whereas, the various county commissioners' courts throughout the State are about to levy taxes for the present year, therefore an emergency exists that this act take effect from and after its passage, and an imperative public necessity requires that the rule requiring this bill to be read on three several days in each House should be suspended, and it is so enacted.

Approved March 24, A. D. 1881.

Takes effect from passage.

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**CHAPTER LVI.**—An act to authorize the refunding of moneys paid into the general land office under the provisions of an act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad Reserve, passed August 26, 1856, and the provisions of a supplemental act entitled "An act supplemental to an act to authorize the location, sale and settlement of the Mississippi and Pacific Railroad Reserve," approved November 28, 1857, in all cases wherein the State failed to patent the lands on account of same being covered by previous grant, for which such moneys were paid, and to make an appropriation therefor.

Section 1. Be it enacted by the Legislature of the State of Texas, That all moneys paid into the general land office under the provisions of the supplemental act mentioned in the caption hereof, approved November 28, 1857, for lands in the Mississippi and Pacific Railroad Reserve to which the State failed to issue patent to the parties making such payment, shall be refunded to such party or parties upon application, as hereinafter provided.

Sec. 2. It shall be the duty of the commissioner of the general land office, upon application to him, made by any party or parties claiming to have made payments under the said supplemental act of November 28, 1857, and failed to receive patents to the land on account of same being covered by previous grant for which such payment was made, to investigate said claim; and, when it shall appear that such claim is just, and that the money paid into the office of the commissioner of the general land office, has not been refunded to the party or parties making such payments, and that the State of Texas is therefore justly indebted to the party or parties making such payments, he, the commissioner of the general land office, shall issue to the party making application, or his legal representatives, an official certificate showing the amount of money so paid, and date of payment.

Sec. 3. Upon presentation to the comptroller of public accounts of such certificate from the commissioner of the general land office, properly authenticated, it shall be his duty to draw his warrant upon the state treasurer in favor of the party holding such certificate for the whole amount originally paid into the general land office, as shown by the certificate of the commissioner thereof, with interest at the rate of four per cent. per annum from the date of the original payment into the

land office to the date of the said warrant on the state treasurer. The sum of one hundred and fifty-four dollars, or so much thereof as may be required, is hereby appropriated out of any money in the treasury, not otherwise appropriated, to carry out the provisions of this act.

Sec. 4. In order that immediate relief may be granted under the provisions of this act in cases of extreme destitution and want, an emergency exists requiring that this act shall take effect and be in force from and after its passage, and it is so enacted.

Approved March 25, A. D. 1881.

Takes effect from passage.

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#### CHAPTER LVII.—An act to prescribe the requisites of indictments in certain cases.

Section 1. Be it enacted by the Legislature of the State of Texas, That an indictment for any offense against the penal laws of this State shall be deemed sufficient which charges the commission of the offense in ordinary and concise language in such a manner as to enable a person of common understanding to know what is meant, and with that degree of certainty that will give the defendant notice of the particular offense with which he is charged, and enable the court on conviction to pronounce the proper judgment; and in no case are the words "force and arms," or "contrary to the form of the statute" necessary.

Sec. 2. When a statute creating or defining any offense, uses special or particular terms, an indictment on it may use the general term which in common language embraces the special term.

Sec. 3. When to constitute the offense an act must be done in a public place, it is sufficient to allege that the act was done in a "public place."

Sec. 4. An indictment for an act done with intent to commit some other offense, may charge in general terms the commission of such act with intent to commit such other offense, without stating the facts constituting such other offense.

Sec. 5. In an indictment for selling intoxicating liquors in violation of any law of this State, it shall be sufficient to charge that the defendant sold intoxicating liquors contrary to law, naming the person to whom sold, without stating the quantity sold; and under such indictment any act of selling in violation of the law may be proved.

Sec. 6. An indictment for perjury or false swearing need not charge the precise language of the false statement, but may state the substance of the same, and no such indictment shall be held insufficient on account of any variance which does not affect the subject matter or general import of such false statement; and it is not necessary in such indictment to set forth the pleadings, records or proceedings with which the false statement is connected, nor the commission or the authority of the court, or person before whom the perjury was committed; but it is sufficient to state the name of the court, or officer by whom the oath was administered, with the allegation of the falsity of the matter on which the perjury is assigned.

Sec. 7. An indictment under the laws relating to bribery shall be sufficient, if it charges that the defendant bribed or attempted to bribe

any officer or other person named in the Penal Code who may be subject to bribery, with intent to influence the action of such person; or that any such officer or other person accepted, or agreed to accept, a bribe given or promised, to influence his action, stating the particular thing or advantage given, promised, accepted, or agreed to be accepted, and the particular act to be influenced thereby.

Sec. 8. Under the laws relating to misapplication of public money, an indictment may charge that the defendant misapplied certain public moneys in his hands by virtue of the trust, stating the amount of such public moneys and the manner in which the same was misapplied.

Sec. 9. In indictments for theft or embezzlement of any coin or paper current as money, or of any checks, bills of exchange, or other such security, it shall be sufficient to describe the property in general terms, as "money," "checks," "bills of exchange," or other evidence of debt, of or about a certain amount.

Sec. 10. An indictment under the laws regulating the carrying of deadly weapons may charge that the defendant carried about his person a pistol, or other deadly weapon, without authority of law, without a further averment of a want of legal excuse or authority on his part.

Sec. 11. The following forms of indictments in cases in which they are applicable are sufficient, and analagous forms may be used in other cases:

Form No. 1—general form: In the name and by the authority of the State of Texas, the grand jury of ..... county, present in the district court of said county that about the ..... day of ....., A. D. ...., in ..... county, Texas, (name or description of defendant) did (description of offense), against the peace and dignity of the State, ....., Foreman of the grand jury.

Form No. 2: Murder. A. B. did with malice aforethought kill C. D. by shooting him with a gun, or, by striking him with an iron weight, or, by poisoning him, etc.

Form No. 3: Assault to commit felony. A. B. did assault C. D., with intent to murder, rob, maim, disfigure or castrate him; or, did assault C. D. in attempting to commit burglary; or, did assault E. F., a female, with intent to rape her, etc.

Form No. 4: Aggravated assault. A. B. did make an aggravated assault on C. D.

Form No. 5: Simple assault. A. B. did assault C. D.

Form No. 6: Bribery. A. B. did bribe C. D., a sheriff, by paying him ten dollars in money, with intent that said C. D. should permit E. F., a prisoner in his custody, to escape.

Form No. 7: Gaming. A. B. and C. D. did play at a game with cards in a public place (or in a store-house, etc.), or A. B. and C. D. did bet at a game with dice; or A. B. and C. D. did bet at a game with dominoes, crack-loo, and crack-or-loo; or A. B. and C. D. did bet at crack-loo or crack-or-loo. A. B. did keep a table, (bank or alley), for gaming; or A. B. did bet at a ten-pin alley; or did permit gaming in his house (or house under his control); or did rent to C. D. a room to be used as a place for gaming; or did bet on the result of an election.

Form No. 8: Rape. A. B., an adult male, did rape C. D., a female.

Form No. 9: Affray. A. B. and C. D. did fight together in a public place.

Form No. 10: Adultery and fornication. A. B., a man, and C. D., a



woman, did have habitual carnal intercourse with each other, the said A. B. being lawfully married to E. F.

Form No. 11: Unlawful marriage. A. B., having a wife then living, did unlawfully marry C. D.; or A. B., a white person, and C. D., a negro, did knowingly intermarry with each other; or, having intermarried did continue to live together as man and wife.

Form No. 12: Escape. A. B., a sheriff, having the legal custody of C. D., then accused of a murder in the first degree, did willfully permit him to escape.

Form No. 13: Perjury. A. B. did deliberately and wilfully state under an oath required by law, and legally administered by C. D., a justice of the peace, that (giving the substance of the false statement), which statement was false, as the said A. B. well knew.

Form No. 14: Keeping disorderly house. A. B. did keep a disorderly house.

Form No. 15: Lotteries. A. B. did establish a lottery, or did dispose of certain property by lottery.

Form No. 16: Unlawful practice of medicine. A. B. did practice medicine without authority of law.

Form No. 17: False imprisonment. A. B. did willfully and without lawful authority detain C. D. against his consent.

Form No. 18: Kidnapping. A. B. did falsely imprison C. D. for the purpose of removing him from the State.

Form No. 19: Arson. A. B. did willfully burn a certain house, the property of C. D.

Form No. 20: Burglary. A. B. did break and enter the dwelling house of C. D., with intent to steal.

Form No. 21: Theft. A. B. did steal a horse from C. D., or did steal a watch of the value of fifty dollars from C. D.

Form No. 22: Swindling. A. B. did falsely represent to C. D. that he had ten bales of cotton packed and ready for delivery, and by means of such false representation did obtain from said C. D. one hundred dollars in money, with intent to appropriate it to his own use.

Form No. 23: Fraudulent disposition of mortgaged property. A. B. having given to C. D. a lien in writing, on his crop of cotton, did dispose of the same with intent to defraud said C. D.

Form No. 24: Counterfeiting coin. A. B. did counterfeit a silver coin of the Republic of Mexico, called a dollar, which was at the time current as money in the United States.

Form No. 25: Conspiracy. A. B. and C. D. did conspire together to murder E. F.

Form No. 26: Robbery. A. B. did rob C. D. of twenty dollars in money.

Form No. 27: Forgery. A. B. did forge a certain false instrument in writing, in substance as follows: (setting out the forged instrument.)

Form No. 28: Misapplication of public money. A. B., a collector of taxes, did misapply one thousand dollars of public moneys in his hands, by virtue of his office, by converting said moneys to his own use.

Sec. 12. Nothing contained in the 11th section of this act shall be construed to dispense with the necessity for proof of all the facts constituting the offense charged in an indictment, as the same is defined by law.

Sec. 13. In an indictment for libel, it is not necessary to set forth any intrinsic facts for the purpose of showing the application to the libeled party of the defamatory matter on which the indictment is founded; it

is sufficient to state generally that the same was published concerning him.

Sec. 14. When the offense may be committed by different means, or with different intents, such means or intents may be alleged in the same count, in the alternative.

Sec. 15. Words used in a statute to define an offense, need not be strictly pursued in the indictment; it is sufficient to use other words conveying the same meaning, or which include the sense of the statutory words.

Sec. 16. Matters of which judicial notice is taken (among which are included the authority and duties of all officers elected or appointed under the general laws of this State), and presumptions of law need not be stated in an indictment.

Sec. 17. An indictment shall not be held insufficient, nor shall the trial, judgment or other proceedings thereon be affected by reason of any defect or imperfection of form in such indictment, which does not prejudice the substantial rights of the defendant.

Sec. 18. That all laws and parts of laws in conflict with the provisions of this act be and they are hereby repealed.

Approved March 26, A. D. 1881.

Takes effect ninety days after adjournment.

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**CHAPTER LVIII.**—An act to amend article 506, chapter 11, of title 17, and to create article 340a, chapter 1, of said title, of the Revised Civil Statutes of the State of Texas, relating to cities, towns and villages.

Section 1. Be it enacted by the Legislature of the State of Texas, That article 506, of chapter 11, shall be amended so as to read as follows:

“Article 506. When a town or village may contain more than two hundred, and less than ten thousand inhabitants, it may be incorporated as a town or village, in the manner prescribed in chapter 11, title 17, of the Revised Civil Statutes; and there is hereby created an article, which shall read as follows:

“Article 340a. When a city or town may contain one thousand inhabitants or over, it may be incorporated as a city or town, in the manner prescribed by chapter 11, of this title; provided, that an election shall be ordered on the application of fifty electors of such city or town; and, provided further, that when an election is held according to the provisions of said chapter 11, to be incorporated as a city or town, the words ‘towns and villages’ shall be construed to read, and read ‘cities and towns.’”

Approved March 26, A. D. 1881.

Takes effect ninety days after adjournment.

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**CHAPTER LIX.**—An act to amend chapters 5 and 11, of title 17, of the Revised Civil Statutes of the State, relating to charters of cities and towns, and towns and villages, so as to authorize the levy of a tax for the support of public free schools, under certain circumstances.

Section 1. Be it enacted by the Legislature of the State of Texas, That chapter 5, of title 17, of the Revised Civil Statutes of this State,

shall be amended by adding thereto another article, which shall read as follows:

"Article 425a. The city or town council, whether incorporated under the provisions of this title or by any act of the Congress of the Republic, or the Legislature of the State of Texas, shall have power, by ordinance, to annually levy and collect not exceeding one-half of one per cent. ad valorem taxes, for the support and maintenance of public free schools in the city or town, where such city or town is a separate and independent school district; provided, that no such tax shall be levied until an election shall have been held, at which none but property tax payers, as shown by the last assessment rolls, who are qualified voters of such city or town, shall vote, and two-thirds of those voting shall vote in favor thereof. The proposition submitted may be for a tax not exceeding one-half of one per cent., or it may be for a specific per cent.; one election, and no more, shall be held hereafter in any one calendar year to ascertain whether a school tax shall be levied; if the proposition is carried the school tax shall continue to be annually levied and collected for at least two years; and thereafter, unless it is discontinued, at an election held to determine whether the tax shall be continued or discontinued at the request of fifty property tax payers of such city or town; when the tax is continued no election to discontinue it shall be held for two years; when the tax is discontinued no election to levy a tax shall be held during the same year."

Sec. 2. That chapter 11, of title 17, of the Revised Civil Statutes of this State, shall be amended by adding thereto another article, which shall read as follows:

"Article 522a. The board of aldermen shall have power, by ordinance, to levy and collect ad valorem taxes, for the support and maintenance of public free schools, under the rules, regulations and restrictions prescribed in article 425a, chapter 5, of this title."

Sec. 3. The prospect of an early adjournment, and the necessity for rendering the statutes unambiguous, and placing the support of free schools on a firm basis, creates a necessity and emergency that the rule requiring this bill to be read on three several days be suspended; and it is suspended; and that this act take effect from and after its passage; and it is so enacted.

Approved March 26, A. D. 1881.

Takes effect from passage.

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CHAPTER LX.—An act to diminish the civil jurisdiction of the county court of Bosque and San Patricio counties in this State, and conform the jurisdiction of the district court of said counties to such change.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county court of the counties of Bosque and San Patricio shall have and exercise the general jurisdiction of a probate court; shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis, and common drunkards; grant letters of administration, settle accounts of executors, administrators and guardians; transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis, and common drunkards, including the partition, settlement and distribution of estates of deceased persons,

and to apprentice minors, as prescribed by law, and to issue all writs necessary to the enforcement of its jurisdiction, and to punish contempts under such provisions as are or may be provided by general law governing county courts throughout the State, and to have and exercise general jurisdiction over questions of eminent domain, as prescribed by law; but said courts shall have no other civil jurisdiction.

Sec. 2. That the district courts of said counties of Bosque and San Patricio shall have and exercise jurisdiction in all matters and causes of a civil nature, over which by the general laws of the State the county courts of said counties would have jurisdiction, except as provided in section 1 of this act; and that in all cases other than probate matters, and such as are provided in section 1 of this act, be and the same are hereby transferred to the district courts of said counties, and all writs and process in civil causes heretofore issued by or out of said county courts, other than those pertaining to civil matters, over which by section 1 of this act jurisdiction is given to the county courts of said counties, be and the same are hereby made returnable to the next term of the district courts in and for said counties.

Sec. 3. That the clerks of the county court of the said counties respectively of Bosque and San Patricio, be and they are hereby required, within twenty days after the passage of this act, to make a fair and complete transcript of all the entries on their civil dockets heretofore made in causes which by section 2 of this act are transferred to the district courts of said counties respectively, and file the same, together with the original papers of all said causes and proceedings, with the clerks of the district court respectively of said Bosque and San Patricio counties, and all such causes shall be immediately docketed by the clerk of the district court respectively of said Bosque and San Patricio counties, and shall stand on the dockets of said courts, and for each of such transcripts the county clerks aforesaid shall receive twenty cents per one hundred words, and fifty cents for a certificate thereto, to be taxed as costs against the party cast in the suit.

Sec. 4. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 5. The prospect of an early adjournment creates a necessity for the suspension of the rule requiring this bill to be read on three several days, and it is suspended; and the immediate public good to arise from its passage creates an emergency that this act take effect from its passage, and it is so enacted.

Approved March 26, A. D. 1881.

Takes effect from passage.

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**CHAPTER LXI.**—An act to provide for designating and setting apart three hundred leagues of land out of the unappropriated public domain for the benefit of the unorganized counties of the State, and to provide for the survey and location of the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That the governor, comptroller, treasurer of the state, attorney general, and commissioner of the general land office, are hereby constituted a board to contract with some suitable person or persons to survey and to return to the general land office the field notes and plats of three hundred

leagues of land from any of the unappropriated public domain within the State, or any of the reserves made by act of the Legislature of July 14, 1879, which shall constitute a reservation out of which each of the unorganized counties of this State, as it may be organized, shall be entitled to four leagues of land for free school purposes. The contract shall be let to the lowest and best responsible bidder, after advertisement in one newspaper published in the city of Austin, and one published in the city of Galveston, and one in the city of Dallas, and one in the city of San Antonio, for four successive weeks, for sealed proposals. All bids shall be filed in the office of the comptroller of the state, and shall be by him safely kept until the time designated in the advertisement for opening sealed bids and awarding said contract.

Sec. 2. The advertisement for bids shall require the bids to specify at what price the work of surveying will be done per league, and that the work will be performed within a time to be specified in the advertisement.

Sec. 3. Said board shall have power to reject any and all bids, without assigning cause, if they shall be satisfied that the work can be done as well at a less expense by reliable surveyors, surveying at a specific sum per mile, in private contract, or from any other cause deemed sufficient; in which event the board shall proceed to make said contract in disregard of bids.

Sec. 4. The contract or contracts shall be in writing, and the person or persons executing the same shall enter into such bond, with sureties, as said board shall prescribe, to be not less than double the amount of the bid, for the faithful performance of the contract under the provisions of this act. The original bond shall be deposited with the secretary of state.

Sec. 5. The field notes and maps of the surveys shall be recorded in a well bound book or books by the contracting surveyor, the original of which shall be returned under oath to the general land office, and shall constitute an archive therein; and the said contractor or contractors shall furnish each district surveyor in whose district lands are surveyed, a copy of the field notes and maps of surveys made in his district, also recorded in a well bound book, which shall constitute a record of his office.

Sec. 6. In all cases two corners shall be marked and established on the ground for each survey, the lines between which, if in timber, shall be distinctly marked. Said corners shall be made with at least two bearings, if in timber, and if in the prairie, by earth-mounds six feet in diameter and three feet high.

Sec. 7. Each league of land shall be numbered in the order it is surveyed by the contractor or contractors, beginning at number one and extending to number one hundred, and as each of the unorganized counties in the State shall be organized, such county shall be entitled to the first four leagues out of the reservation authorized by this act, which shall not have been patented to other counties for free school purposes, upon the payment to the treasurer of the state the actual costs of the surveying fees and legal interest thereon from time of payment by the State; and upon the payment of the cost of surveying and patent fees, the commissioner of the general land office is hereby required to issue patents to said county for four leagues of land as above provided; provided, any county that fails to pay surveying and patent fees under this act, within three years after its organization, shall forfeit all claims to the lands herein donated.

Sec. 8. The governor shall appoint a commissioner, who shall supervise the action of the contracting surveyors in their work, and who shall

have the power to prevent the surveying of any lands not deemed valuable for grazing or agricultural purposes. Said commissioner shall receive one hundred and fifty dollars per month while engaged in the discharge of his duties, not to exceed eight months, to be paid by the State, which shall be apportioned among the counties receiving lands under this act, and to be by said counties repaid into the State treasury before the issuance of patents.

Sec. 9. Said board shall direct the time and manner in which all plats and field notes of surveys made by contractors under this act shall be made, one copy of which shall be deposited in the general land office.

Sec. 10. Neither the contractor, surveyor, commissioner, employes or attaches of said parties shall have the right, either directly or indirectly, to file upon or locate any land for themselves or other person during the time they are employed by the State; and any such contractor, surveyor, commissioner, attache or employe who shall violate the provisions of this section, shall be deemed guilty of a felony, and upon conviction thereof before the district court of Travis county, to which jurisdiction is here given, shall, on conviction, be confined at hard labor in the penitentiary for not less than one nor more than five years.

Sec. 11. No money shall be drawn out of the State treasury to carry out the provision of this act, until said three hundred leagues of land have been surveyed, and the field notes returned to the general land office, as provided in section 5 of this act.

Sec. 12. The sum of forty-five hundred dollars is here appropriated, or so much thereof as may be needed, to carry out the provisions of this act.

Approved March 26, A. D. 1881.

Takes effect ninety days after adjournment.

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CHAPTER LXII.—An act to amend chapter 5, title 22, of the Revised Civil Statutes of Texas, relating to county seats, by adding another article, to be known as article 694a.

Section 1. Be it enacted by the Legislature of the State of Texas, That chapter 5, title 22, of the Revised Civil Statutes of the State of Texas, be and the same is hereby amended by adding thereto after article 694, another article, to be known as article 694a, which shall read as follows:

“Article 694a. No county seat first established in a newly organized county shall be located at any point more than five miles from the geographical centre of any county in this State, unless by a two-thirds vote of all the electors voting on the subject in said county.”

Sec. 2. The near approach of the close of the present session of the Legislature creates (in the opinion of this Legislature) a public necessity sufficiently imperative in its character to justify the suspension of the constitutional rule requiring this act to be read on three several days, and it is so suspended.

Approved March 28, A. D. 1881.

Takes effect ninety days after adjournment.

CHAPTER LXIII.—An act to establish the thirty-sixth (36th) judicial district, and to provide for the appointment of a district judge and district attorney therein, and to conform the twenty-second (22d) and twenty-fourth (24th) judicial districts thereto.

Section 1. Be it enacted by the Legislature of the State of Texas, That the counties of San Patricio, Live Oak, McMullen, La Salle, Dimmitt, Frio, Atascosa and Zavalla shall be, and the same are hereby constituted the thirty-sixth (36th) judicial district of Texas.

Sec. 2. The district courts shall be held in the several counties comprising the thirty-sixth judicial district as follows: In the county of San Patricio on the first Mondays in March and September, and may continue in session one week; in the county of Live Oak on the first Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of McMullen on the third Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of La Salle on the fifth Monday after the first Mondays in March and September, and may continue in session one week; in the county of Dimmitt on the sixth Monday after the first Mondays in March and September, and may continue in session one week; in the county of Frio on the seventh Monday after the first Mondays in March and September, and may continue in session two weeks; and in the county of Atascosa on the ninth Monday after the first Mondays in March and September, and may continue in session until business is disposed of. The county of Zavalla is hereby attached to the county of Frio for judicial purposes.

Sec. 3. The governor shall appoint some suitable citizen of the thirty-sixth judicial district as herein established to be judge thereof until the next general election, and until his successor shall be elected and qualified. The governor shall also appoint some suitable citizen of the said district to be district attorney thereof, until the next general election, and until his successor has been elected and qualified.

Sec. 4. The twenty-second judicial district of Texas shall hereafter be composed of the county of Bexar, and the terms of the district court shall be held in said county at the times hereinafter specified in each year, viz: On the first Monday in March, and may continue in session twelve weeks; on the first Monday in June, and may continue in session four weeks; on the first Monday in September, and may continue in session twelve weeks; and on the first Monday in December, and may continue in session twelve weeks.

Sec. 5. The twenty-fourth (24th) judicial district of Texas shall hereafter be composed of the counties of Kendall, Kerr, Bandera, Medina, Uvalde, Kinney, Maverick, Comal and Edwards.

Sec. 6. The terms of the district courts of the twenty-fourth (24th) judicial district shall be held in the several counties composing said district at the times hereinafter specified, in each year, viz: in the county of Maverick on the first Mondays in March and September, and may continue in session two weeks; in the county of Kinney on the second Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of Uvalde on the fourth Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of Medina on the sixth Monday after the first Mondays in March and September, and may continue in session two

weeks; in the county of Bandera on the eighth Monday after the first Mondays in March and September, and may continue in session one week; in the county of Kerr on the ninth Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of Kendall on the eleventh Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of Comal on the thirteenth Monday after the first Mondays in March and September, and may continue in session until business is disposed of. The unorganized county of Edwards is hereby attached to the county of Kerr for judicial purposes.

Sec. 7. All writs and process returnable to the district courts as heretofore fixed in the several counties affected by this act, shall be as valid and binding as if no change had been made.

Sec. 8. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Sec. 9. The near approach of the close of the present session of the Legislature, and the accumulated business on the calendar, create such an emergency as requires the suspension of the constitutional rule requiring this act to be read on three several days, and it is so enacted.

Approved March 28, A. D. 1881.

Takes effect ninety days after adjournment.

#### CHAPTER LXIV.—An act making appropriations for deficiencies beginning March 1, 1879, and ending February 28, 1881, and for previous years.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the treasury not otherwise appropriated for deficiencies incurred in support of the State government for the period of time beginning March 1, 1879, and ending February 28, 1881, and for previous years.

##### Judiciary.

To pay costs due sheriffs, clerks and attorneys for the year ending February 29, 1880.....	\$28,145 67
To pay costs due sheriffs, clerks and attorneys for the year ending February 28, 1881.....	10,000 00
To pay salaries special judges for both years.....	607 87
“ clerks’ fees in felony cases in appellate court.....	2,730 00
“ for stationery, appellate court.....	28 75
“ extradition expenses for 1878.....	244 50
“ rewards, etc., for year ending February 28, 1879, and previous years .....	4,000 00

##### Quarantine.

To pay salaries and expenses on quarantine officers for year ending February 29, 1880.....	\$6,735 21
To pay for building quarantine stations.....	2,845 05
“ salary and expenses of quarantine for the year ending February 28, 1881.....	2,584 30



## Institution for the Deaf and Dumb.

To pay for groceries, provisions, etc., for both years..... \$3,527 00

## Institution for the Blind.

To pay for groceries, provisions, etc., for both years..... \$1,200 00

## Penitentiaries.

To pay for carrying prisoners to penitentiary for both years. \$13,938 40

## Agricultural and Mechanical College.

To pay H. C. Eddrington for moneys advanced to the Agricultural and Mechanical College..... \$4,987 44

## Miscellaneous.

To pay J. G. Hamilton for carrying a prisoner charged with felony, adjudged insane, to Lunatic Asylum, from Delta county, in 1874 ..... \$162 50

To pay school superintendents and directors for the year beginning September 1, 1875, and ending August 31, 1876.. 45,000 00

To pay teachers and inspectors of public free schools for services rendered prior to July 1, 1873, said claims to be audited by the comptroller in accordance with the laws under which said services were rendered, and acts on the subject, approved respectively on April 27, 1874, and July 6, 1876, the said comptroller to determine in all cases, from information he may regard reliable, if said claims are honest and proper ones, notwithstanding they may be proved up or established as provided for in said acts; and this appropriation to include the thirty thousand dollars appropriated for this purpose by the Sixteenth Legislature, seventy-five thousand dollars; and the comptroller shall have power to reject all such claims as he may find fraudulent, and said rejection shall forever bar the same. Should this amount be found insufficient to pay the claims audited by the comptroller, he shall pro rate the same among such audited claims; provided, that no claims not heretofore established or proved up under the laws under which the services were rendered, or under one of said acts, shall be audited hereunder: and no claim shall be audited unless the same is filed in the comptroller's office within ninety days from the passage of this act. All claims not so filed within ninety days shall be forever barred.....

To pay Tobin Bros. bill of J. W. Van Dyke for material and labor on public buildings in 1877..... 139 50

To pay Levi Perryman for conveying three prisoners, while sheriff of Montague county—viz: Robert Simmons, George Taylor and G. W. Hargraves, convicted of felony, from Montague county, Texas, to the State penitentiary at Huntsville, in July, 1879..... 369 00

To pay Brush and White and William Raatz for material furnished to build green-house on capitol grounds..... 247 27

To pay debts of second class of the late Republic of Texas.. 3,000 00

Sec. 2. Whereas, the near approach of the day of final adjournment of this session of the Seventeenth Legislature, together with the fact that

this bill must go to the House to be passed upon by that body, which will necessarily create some delay, an imperative public necessity exists for the suspension of the constitutional rule requiring this bill to be read on three several days, and it is hereby enacted that said constitutional rule be and the same is hereby suspended; the fact that there is no appropriation to pay the claims herein stated, creates an emergency that requires this act to take effect at once, and it is therefore enacted that this act take effect and be in force from and after its passage.

Approved March 30, A. D. 1881.

Takes effect ninety days after adjournment.

See supplemental act approved April 1, 1881.

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**CHAPTER LXV.—An act to authorize the governor to appoint a district attorney for the fifteenth judicial district.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the governor be authorized to appoint a district attorney for the fifteenth judicial district of this State, who shall hold his office until the next general election.

Sec. 2. That, whereas a vacancy now exists in the office of district attorney for said district, and the district courts of said district are now in session, thus creating an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days, be suspended, and that this act take effect and be in force from and after its passage, it is so enacted.

Approved March 29, A. D. 1881.

Takes effect from passage.

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**CHAPTER LXVI.—An act making the office of county surveyor an office of record.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the surveyors of the several counties of this State shall record in a well bound book all the surveys in the county or district for which he was elected, with the plats thereof that he may make, whether private or official, and that such record shall be open to the inspection of the public; and for which service the surveyor may charge, in addition to the fees now allowed by law for field work, twenty cents per hundred words for such record.

Sec. 2. Certified copies of such record, under the official signature of the county surveyor, may be used in evidence in any of the courts of this State.

Sec. 3. The commissioners' courts are hereby required to furnish the county surveyors of their respective counties, on the requisition of such surveyors, a book or books of sufficient capacity to contain a record of all the surveys provided for in this act.

Approved March 30, A. D. 1881.

Takes effect ninety days after adjournment.

**CHAPTER LXVII.**—An act to amend article 4333 of the Revised Civil Statutes of the State of Texas, adopted February 21, 1879, and to provide for the registration of instruments relating to real estate in unorganized counties.

Section 1. Be it enacted by the Legislature of the State of Texas, That article 4333 of the Revised Civil Statutes of the State of Texas, approved February 21, 1879, be amended so as to read as follows:

"Article 4333. All deeds, conveyances, mortgages, deeds of trust, or any other written contract relating to real estate, which are authorized to be recorded, shall be recorded in the county where such real estate, or a part thereof, is situated; provided, that all such instruments, when relating to real estate situated in an unorganized county, shall be recorded in the county to which such unorganized county is attached for judicial purposes; and when an unorganized county shall be organized, it shall be the duty of the commissioners' court of such newly organized county to procure from the county to which it was attached for judicial purposes, within two years from the date of organization, a transcript of all such records, which shall be taken and held as notice to all persons of the existence of such instruments; provided further, that nothing in this act shall be construed to affect the registration of any such instruments heretofore made, in either a land district to which any unorganized county may have been attached, or any county to which any unorganized county may have been attached for judicial purposes."

Sec. 2. Whereas, there is great uncertainty as to the proper place for the recording of such instruments relating to lands in unorganized counties, and in order to prevent litigation, an emergency exists and public necessity requires, that the rule requiring a bill to be read on three several days be suspended, and that this act go into effect and be in force from and after its passage, and it is so enacted.

Approved March 30, A. D. 1881.

Takes effect from passage.

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**CHAPTER LXVIII.**—An act authorizing district courts to transfer cases of administration of estates of deceased persons and guardianship of minors, persons of unsound mind and habitual drunkards pending before them, to the county courts.

Section 1. Be it enacted by the Legislature of the State of Texas, That the judges of the district courts of this State may, by an order made and entered in open court upon the minutes of such court, upon the application in open court of any person interested as administrator, executor, heir, legatee, devisee, distributee, creditor or guardian in the administration of the estate of a deceased person, or in the guardianship of a minor, person of unsound mind, or habitual drunkard, pending in such court, transfer such administration or guardianship to the county court of the county in which such district court is there being held for further administration, upon satisfactory evidence that the county judge of said county is legally qualified to act as such in such administration.

Sec. 2. Be it further enacted, that all orders of transfer of estates of deceased persons, minors, persons of unsound mind, or habitual drunkards, from the district courts to the county courts for further administration

that may have heretofore been made by such district courts under conditions similar to those required by the first section of this act, shall be as valid to all intents and purposes as if made under the authority of this act.

Sec. 3. Immediately after the termination of the court at which the order of transfer authorized by the first section of this act, is made, it shall be the duty of the clerk thereof to transmit all the papers relating to such administration or guardianship, together with a transcript, certified by him under the seal of said district court, of the record of all orders, judgments and decrees of such district court in relation to such estate, to the county clerk of his county, for which services he shall be allowed such fees as are now allowed him by law for similar services, to be paid as expenses of administration.

Sec. 4. The near approach of the close of the present session of the Legislature, and the public importance and necessity of the passage of this bill into a law at this session, creates an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended; and, whereas, there are pending in many district courts in various counties of this State cases of administration upon estates of decedents and wards in which the county judges of such counties are legally qualified to sit; and, whereas, the interests of all persons concerned or interested in such cases of administration require that they should be transferred to said county courts for administration as soon as it is possible to be done; and, whereas, there is no law authorizing such transfers to be made, therefore, the above facts create an emergency that this bill should go into effect as a law from and after its passage, and it is so enacted.

Approved March 30, A. D. 1881.

Takes effect from passage.

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CHAPTER LXIX.—An act for holding a special term of the district court in the county of Freestone, for the trial of criminal causes, and for such other business of a criminal nature as may be lawfully considered in the district court.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be held a special term of the district court in and for the county of Freestone on the third Monday in April, 1881, for the trial of criminal causes, and for such other business of a criminal nature as may be lawfully considered in the district court, which term may continue in session for two weeks.

Sec. 2. The public necessity existing for the passage of a law authorizing the holding of a special term of the court, as provided in the first section of this act, at this session of the Legislature, and the very short time intervening between this date and the day fixed for adjournment, together with the fact that such necessity requires that said term of court should commence on the third Monday in April, proximo, create an imperative public necessity for the suspension of the constitutional rule requiring that this bill should be read on three several days, and an emergency under which this act should take effect and be in force from and after its passage, and said constitutional rule is suspended, and it is enacted that this act take effect and be in force from and after its passage.

Approved March 30, A. D. 1881.

Takes effect from passage.

CHAPTER LXX.—An act to make an appropriation for the per diem pay of the officers, members and employes of the Seventeenth Legislature of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of five thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the per diem pay of the officers, members and employes of the Seventeenth Legislature of the State of Texas.

Sec. 2. The comptroller shall draw his warrant on this appropriation for the senators, employes and officers of the senate, on the certificate of the president and secretary of the senate, and to the officers, members and employes of the house on the certificate of the speaker and chief clerk of the house.

Sec. 3. That this act take effect and be in force from and after its passage.

Sec. 4. The fact that there is a deficiency in the appropriation for the per diem pay of members, officers and employes of the Seventeenth Legislature, and this session of said Legislature is drawing near to a close, and that this bill must be read on three several days in each house, unless the rule is suspended, creates an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days in each house; therefore said rule is suspended.

Approved March 30, A. D. 1881.

Takes effect from passage.

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CHAPTER LXXI.—An act to restore to, and confer upon, the county courts of Palo Pinto, Eastland, Stephens, Callahan, Taylor, Brazoria, Matagorda, Coleman, Bowie, Brown, Morris and Camp counties. the civil and criminal jurisdiction heretofore belonging to them under the constitution and general statutes of the State, and to conform the jurisdiction of the district courts of said counties to such change.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county courts of Palo Pinto, Eastland, Stephens, Callahan, Taylor, Brazoria, Matagorda, Coleman, Bowie, Brown, Morris and Camp counties, shall hereafter have exclusive original jurisdiction in civil cases, when the matter in controversy shall exceed in value two hundred dollars and shall not exceed five hundred dollars, exclusive of interest, and shall have concurrent jurisdiction with the district courts of said counties, when the matter in controversy shall exceed five hundred, and not exceed one thousand dollars.

Sec. 2. Said county courts shall have appellate jurisdiction in civil cases over which the justices' courts have original jurisdiction, when the judgment of the court appealed from, or the amount in controversy shall exceed twenty dollars, exclusive of costs; and said county courts shall also have power to hear and determine cases brought up from the justices' courts by certiorari, under the provisions of the title of the Revised Civil Statutes relating thereto.

Sec. 3. The county judges of said counties shall have authority, either in term time or in vacation, to grant writs of mandamus, injunction, sequestration, attachment, garnishment, certiorari and supersedeas,

and all other writs necessary to the enforcement of the jurisdiction of said courts, and shall also have power to issue writs of habeas corpus in all cases in which the constitution has not conferred the power on the district courts or judges thereof.

Sec. 4. Said county courts shall have jurisdiction in the forfeiture and judgment of all bonds and recognizances taken in criminal cases, of which criminal cases said courts have jurisdiction.

Sec. 5. Said county courts shall have exclusive original jurisdiction of all misdemeanors, except misdemeanors involving official misconduct, and except cases in which the highest penalty of fine that may be imposed under the law may not exceed two hundred dollars; and said courts shall also have appellate jurisdiction in criminal cases, of which justices of the peace and other inferior tribunals of said counties have original jurisdiction.

Sec. 6. The district courts of said counties of Palo Pinto, Eastland, Stephens, Callahan, Taylor, Brazoria, Matagorda, Coleman, Bowie, Brown, Morris and Camp, shall no longer have jurisdiction of cases of which the county courts of said counties, by the provisions of this act, have exclusive original or appellate jurisdiction; and it shall be the duty of the district clerks of said counties, within twenty days after the passage of this act, to make a full and complete transcript of all orders on their respective dockets in cases now pending before said district courts, of which cases, by the terms of this act, exclusive jurisdiction is given to the county courts, and to deliver said transcripts, together with the original papers, and a certified bill of costs in each case, to the county clerks of their respective counties, and said county clerks shall enter said cases on their respective dockets for trial by said county courts.

Sec. 7. The county courts of said counties shall hereafter hold their regular terms for civil and criminal business as provided in the constitution and general laws of the State, and all process heretofore issued from the district courts of said counties, in cases to be transferred under this act to the county courts, shall be returnable to the first term of the proper county court, and all civil cases so transferred shall be entered as appearance causes upon the dockets of the respective county courts.

Sec. 8. The crowded condition of the dockets of the district courts of said counties, creates an emergency and imperative public necessity that the rule be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved March 30, A. D. 1881.

Takes effect from passage.

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CHAPTER LXXII.—An act to amend certain articles of chapter 2, of title 78, of the Revised Civil Code, said chapter 2 being entitled "Agricultural and Mechanical College."

Section 1. Be it enacted by the Legislature of the State of Texas, That articles 3684, 3685, 3687, 3689, 3692, of chapter 2, title 78, of the Revised Civil Code, shall be so amended as hereafter to read as follows, and that another article, to be called article 3692a, be added thereto.

"Article 3684. The board of directors of said college, shall consist of five members.

"Article 3685. The directors provided for in the preceding article shall be appointed by the governor, to be selected from different sections

of the State, and shall hold office for six years or during good behavior, and until their successors are qualified."

"Article 3687. The governor shall be authorized to call said board together after their appointment, and said board shall, at their first meeting, elect from their number a president of the board, who shall thereafter be authorized to call said board together for the transaction of business whenever he deems it expedient, and a majority of said board shall constitute a quorum for the transaction of business."

"Article 3689. Each of said directors shall receive their actual expenses incurred in attending the meetings of the board, to be paid out of the interest of the university fund, on accounts certified by them respectively to be correct, and approved by the governor."

"Article 3692. The secretary of state shall forward a certificate to each director within ten days after his appointment notifying him of the fact of such appointment, and should any director so appointed and notified, fail for ten days to give notice to the governor of his acceptance, his appointment shall be deemed void, and his place filled as in case of vacancy."

"Article 3692a. There shall be maintained and instructed at said college annually, free of charge to them, three students from each senatorial district in this State, one of whom shall be appointed by the senator of such district, and the other two by the representatives thereof. One-half of said students so appointed shall be compelled to take an agricultural, and the other half a mechanical course of study, to be assigned thereto by the president of said college; and in order to pay their expenses the comptroller, on proper vouchers being filed in his office by the directors, is authorized to draw his warrant on the state treasurer, against any appropriation made for that purpose. All laws and parts of laws in conflict with the foregoing amendments are hereby repealed."

Sec. 2. The fact that the session of the Legislature is drawing to a close, and the importance of this measure for the support and maintenance of the Agricultural and Mechanical College of Texas creates an imperative public necessity that the constitutional rule requiring a bill to be read on three several days be suspended, and an emergency that this act take effect and be in force from and after its passage, and it is so enacted.

Approved March 30, A. D. 1881.

Takes effect from passage.

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CHAPTER LXXIII.—An act to provide for the protection of the title of the State to the university lands lying in McLennan and Hill counties.

Whereas, Certain parties have disputed the title of the State to certain of the university lands lying in McLennan and Hill counties, and certain suits are now pending in regard to the said lands in the district court of McLennan county;

And, whereas, there is no provision of law fixing the venue of suits involving the title to the said lands in any court holding sessions near the seat of government; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the governor and the attorney general are hereby authorized to em-

ploy competent counsel to defend the title of the State to the university lands lying in McLennan and Hill counties, and to bring all suits, and use such other means as may be necessary to maintain the State's title to said lands.

Sec. 2. The sum of three thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of the interest of the university fund to pay attorneys' fees, and other necessary expenses, in carrying out the purposes of this act.

Sec. 3. That owing to the near approach of the close of session, and there being no law in force regulating this subject, there exists an imperative public necessity and an emergency for the suspension of the rules and the immediate passage of this act; and it is therefore enacted that this act go into effect and be in force from and after its passage.

Approved March 30, 1881.

Takes effect from passage.

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**CHAPTER LXXIV.**—An act to establish the twelfth, seventeenth, twentieth and thirty-third judicial districts, and to prescribe the times of holding courts in said districts, and in the thirtieth district; to provide for the appointment of a district attorney in the twentieth and a district judge in the thirty-third judicial districts, and to provide for holding terms of the district court in certain counties now unorganized.

Section 1. Be it enacted by the Legislature of the State of Texas, That the counties of Stephens, Shackelford, Mitchell, Nolan, Taylor, Callahan and Eastland be and the same are hereby constituted the twelfth judicial district.

Sec. 2. That the counties of Williamson, Burnet, Lampasas, Comanche, Brown, Coleman and Runnels be and the same are hereby constituted the seventeenth judicial district.

Sec. 3. That the counties of Pecos, Presidio and El Paso be and the same are hereby constituted the twentieth judicial district.

Sec. 4. That the counties of San Saba, Llano, Gillespie, Kimble, Mason, Menard, McCulloch, Concho and Tom Green be and the same are hereby constituted the thirty-third judicial district.

Sec. 5. That the district courts shall be held in the twelfth judicial district as follows: In the county of Stephens on the first Mondays in February and September, and may continue in session two weeks; in the county of Shackelford on the third Mondays in February and September, and may continue in session two weeks; in the county of Mitchell on the fourth Monday after the first Mondays in February and September, and may continue in session two weeks; in the county of Nolan on the sixth Monday after the first Mondays in February and September, and may continue in session two weeks; in the county of Taylor on the eighth Monday after the first Mondays in February and September, and may continue in session three weeks; in the county of Callahan on the eleventh Monday after the first Mondays in February and September, and may continue in session two weeks; in the county of Eastland on the thirteenth Monday after the first Mondays in February and September, and may continue in session until the business is disposed of.

Sec. 6. That the district courts shall be held in the seventeenth judicial district as follows: In the county of Williamson on the first Mon-



days in January and July, and may continue in session six weeks; in the county of Comanche on the first Mondays in March and September, and may continue in session two weeks; in the county of Brown on the third Mondays in March and September, and may continue in session two weeks; in the county of Coleman on the fourth Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of Runnels on the sixth Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of Burnet on the eighth Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of Lampasas on the tenth Monday after the first Mondays in March and September, and may continue in session until the business is disposed of.

Sec. 7. That the district courts in the twentieth judicial district shall be held as follows: In the county of Pecos on the first Mondays in March and September, and may continue in session two weeks; in the county of Presidio on the third Monday after the first Mondays in March and September, and may continue in session three weeks; in the county of El Paso on the sixth Monday after the first Mondays in March and September, and may continue in session until the business is disposed of; provided, that it shall not conflict with the time herein fixed for holding the district courts in Pecos county.

Sec. 8. That the district courts in the thirtieth judicial district shall be held as follows: In the county of Palo Pinto on the first Mondays in March and September, and may continue in session two weeks; in the county of Hood on the third Mondays in March and September, and may continue in session two weeks; in the county of Somervell on the fourth Monday after the first Mondays in March and September, and may continue in session one week; in the county of Erath on the fifth Monday after the first Mondays in March and September, and may continue in session five weeks; in the county of Hamilton on the tenth Monday after the first Mondays in March and September, and may continue in session three weeks; in the county of Coryell on the thirteenth Monday after the first Mondays in March and September, and may continue in session until the business is disposed of.

Sec. 9. That the district courts in the thirty-third judicial district shall be held as follows: In the county of San Saba on the first Mondays in March and September, and may continue in session two weeks; in the county of McCulloch on the third Mondays in March and September, and may continue in session two weeks; in the county of Concho on the fourth Monday after the first Mondays in March and September, and may continue in session one week; in the county of Tom Green on the fifth Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of Menard on the seventh Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of Kimble on the ninth Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of Mason on the eleventh Monday after the first Mondays in March and September, and may continue in session one week; in the county of Gillespie on the twelfth Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of Llano on the fourteenth Monday after the first Mondays in March and September, and may continue in session until the business is disposed of.

Sec 10. That all process heretofore issued or served, returnable in any of the counties of said judicial districts, shall be considered as returnable at the times herein prescribed, and all such process is hereby legalized and validated.

Sec. 11. That the county of Fisher shall be attached to the county of Nolan, and the counties of Scurry, Howard, Borden, Dawson, Martin, Andrews and Gaines to the county of Mitchell, for judicial purposes.

Sec. 12. That immediately upon the organization of any of the unorganized counties herein mentioned, the district judge of the twelfth judicial district shall fix a time for holding two terms of the district court in such county or counties, for each year, and shall thereafter hold said courts at the times as fixed.

Sec. 13. That immediately after the passage of this act the governor shall appoint suitable persons as judge of the thirty-third and district attorney of the twentieth judicial districts.

Sec. 14. That the district judges heretofore elected in and for the twelfth, seventeenth and twentieth judicial districts shall continue in the exercise of their said offices respectively of the twelfth, seventeenth and twentieth judicial districts, as prescribed by the provisions of this act.

Sec. 15. That the district attorneys elect now exercising the functions of their offices in the twelfth and seventeenth judicial districts shall be the district attorneys of the twelfth and seventeenth judicial districts, as prescribed by the provision of this act; that the district attorney elect of the twentieth judicial district, resident in the county of Tom Green, shall be the district attorney of the thirty-third judicial district, as prescribed by the provisions of this act.

Sec. 16. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 17. That an imperative public necessity and an emergency exist for holding the district courts in said judicial districts, in accordance with the provisions of this act; therefore this act shall take effect and be in force from and after its passage; and it is so enacted.

Sec. 18. That the large amount of business now pending before this Legislature, and the short time allotted to the session, and the short time from now until the time for the beginning of the courts, in accordance with the provisions of this act, create an imperative necessity, which authorizes the rule to be suspended which requires this bill to be read on three several days, and it is therefore suspended.

Approved March 30, A. D. 1881.

Takes effect from passage.

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## CHAPTER LXXV.—An act to establish the University of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That there be established in this State, at such locality as may be determined by a vote of the people, an institution of learning, which shall be called and known as the University of Texas. The medical department of the university shall be located, if so determined by a vote of the people, at a different point from the university proper, and as a branch thereof: and the question of the location of said department shall be submitted to the people and voted on separately from the propositions for the location of the main university. The nominations and election for the loca-

tion of the medical department shall be subject to the other provisions of this act, with respect to the time and manner of determining the location of the university.

Sec. 2. An election shall be held on the first Tuesday of September, 1881, for the purpose of locating the University of Texas, and the governor is hereby authorized and instructed to issue his proclamation ordering an election on said day for said purpose, and returns of said election shall be made in the manner prescribed in the general election law.

Sec. 3. All localities put in nomination for the location of the university shall be forwarded to the governor at least forty days anterior to the holding of said election, and the governor shall embrace in his proclamation ordering said election, the names of said localities; provided, that any citizen may vote for any locality not named in said proclamation.

Sec. 4. The locality receiving the largest number of votes shall be declared selected, and the university shall be established at such locality; provided, that the vote cast for said locality shall amount to one-third of the vote cast; but if no place shall receive one-third of the entire vote cast, another election shall be ordered within ninety days of the first election, between the two places receiving the highest number of votes, and the one receiving the highest number at said second election shall be declared to be selected by the people as the location of the University of Texas.

Sec. 5. The government of the University shall be vested in a board of regents, to consist of eight members selected from different portions of the State, who shall be nominated by the governor, and appointed by and with the advice and consent of the Senate.

Sec. 6. The board of regents shall be divided into classes, numbered one, two, three and four, as determined by the board at their first meeting; shall hold their offices two, four, six and eight years, respectively, from the time of their appointment. From and after the 1st of January, 1883, two members shall be appointed at each session of the Legislature to supply the vacancies made by the provisions of this section, and in the manner provided for in the preceding section, who shall hold their offices for eight years respectively.

Sec. 7. The regents appointed pursuant to the fifth section of this act, and their successors in office, shall have the right of making and using a common seal and of altering the same at pleasure.

Sec. 8. The regents shall organize by the election of a president of the board of regents, from their own number, who shall hold his office during the pleasure of the board. They shall establish the departments of a first-class university, determine the officers and professorships, appoint the professors (who shall constitute the faculty, with authority to elect their own chairman) and other officers, fix their respective salaries, and to enact such by-laws, rules and regulations as may be necessary for the successful management and government of the university; provided, that the salaries and expenses of the university shall never exceed the interest on the university fund and land sales fund, or ever become a charge on the general revenue of the State.

Sec. 9. The immediate government of the several departments shall be intrusted to their respective faculties, subject to joint supervision of the whole faculty, but the regents shall have power to regulate the courses of instruction, and prescribe, by and with the advice of the professors, the books and authorities used in the several departments, and

to confer such degrees and to grant such diplomas as are usually conferred and granted by universities.

Sec. 10. The regents shall have power to remove any professor, tutor or other officer connected with the institution, when, in their judgment, the interest of the university shall require it.

Sec. 11. The fee of admission to the university shall never exceed thirty dollars, and it shall be open to all persons in the State who may wish to avail themselves of its advantages, and to male and female on equal terms, without charge for tuition, under the regulations prescribed by the regents, and all others under such regulations as the board of regents may prescribe.

Sec. 12. The treasurer of the State shall be the treasurer of the university.

Sec. 13. It shall be the duty of the governor, within thirty days after the location of the university shall have been determined, to convene the board of regents at the city of Austin for the following purposes:

First. To effect the permanent organization of said board.

Second. To adopt such regulations as they may deem proper for their government.

Sec. 14. Meetings of the board shall be called in such manner and at such place as the regents may prescribe, and a majority of them so assembled shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time.

Sec. 15. It shall be the duty of the board of regents, after the organization of the board of regents, to meet at the place chosen for the university for the following purposes:

First.—To establish the departments of the university.

Second.—To define the general plan of the university buildings.

Third.—To advertise for plans and specifications of the same.

Fourth.—To take such action as may be deemed advisable for the creation of professorships and the election of professors.

Fifth.—To take such other action as may be deemed necessary for perfecting the organization of the university.

Sec. 16. After the plan and specifications of the building shall have been adopted, it shall be the duty of the board of regents to advertise for bids for the construction of the same, and to proceed as soon as practicable to the erection of the same. The buildings to be substantial and handsome, but not loaded with useless and expensive ornamentation; provided, that the cost of the buildings shall not exceed one hundred and fifty thousand (\$150,000) dollars; and, provided further, that said building shall be so constructed as to admit of additions thereto, without marring the harmony of the architecture.

Sec. 17. The regents are empowered, and it shall be their duty to purchase the necessary furniture, library, apparatus, museum and other appliances; provided, that the amount expended for said purposes shall not exceed forty thousand dollars.

Sec. 18. The regents shall have authority to expend the interest which has heretofore accrued, and may hereafter accrue, on the permanent university fund, for the purposes herein specified, and for the maintenance of the branches of the university; and the said interest is hereby appropriated for this purpose.

Sec. 19. All expenditures shall be made by the order of the board of regents, and the same shall be paid on warrants of the comptroller,

based on vouchers approved by the president and countersigned by the secretary.

Sec. 20. No religious qualification shall be required for admission to any office or privilege in the university; nor shall any course of instruction of a sectarian character be taught therein.

Sec. 21. The board of regents shall report to the board of education annually, and to each regular session of the legislature, the condition of the university, setting forth the receipts and disbursements, the number and salary of the faculty, the number of students, classified in grades and departments, the expenses of each year, itemized, and the proceedings of the board and faculty fully stated.

Sec. 22. There shall be appointed by the Legislature, at each regular session, a board of visitors, who shall attend the annual examinations of the university and its branches, and report to the Legislature thereon.

Sec. 23. The reasonable expenses incurred by the board of regency and visitation, in the discharge of their duties, shall be paid from the available university fund.

Sec. 24. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved March 30, A. D. 1881.

Takes effect ninety days after adjournment.

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CHAPTER LXXVI.—An act to amend article 4608, title 94, chapter 4, of the Revised Statutes of the State of Texas, to provide for preventing certain animals from running at large in counties and sub-divisions.

Section 1. Be it enacted by the Legislature of the State of Texas. That article 4608, title 94, chapter 4, of the Revised Statutes of the State of Texas, be amended so as to read as follows:

“Article 4608. If no owner can be found of stock so impounded, the taker-up may, after the expiration of five days, make affidavit before a justice of the peace of the county, describing the stock impounded by him, and that the owner is unknown to affiant, which affidavit shall forthwith be delivered to the county clerk by such justice, to be kept in his office for inspection. After the filing of such affidavit the taker-up may sell such stock, as in case where the owner is known, and if anything remains after satisfying his fees and damages, he shall report the sum under oath to the clerk of the county court, and pay the same over to the county treasurer, to be received and disbursed by him as in case of sales of estrays, or, the taker-up may, at his option, after the expiration of five days, estray such stock according to the laws regulating estrays in this State.”

Sec. 2. Whereas, There is an imperative public necessity existing for a change in the law upon the subject of hogs, sheep and goats running at large in certain counties and subdivisions where the stock law has been voted, when the owner thereof is unknown, thus creating an emergency that demands that the constitutional rule which requires a bill to be read on three several days be suspended, and it is accordingly suspended, and this act take effect and be in force from and after its passage.

Approved March 31, A. D. 1881.

Takes effect from passage.

CHAPTER LXXVII.—An act to authorize towns and villages heretofore incorporated by the Congress of the Republic or the Legislature of the State, to amend their charters.

Section 1. Be it enacted by the Legislature of the State of Texas, That towns and villages heretofore incorporated by the Congress of the Republic or the Legislature of the State may, by a resolution of the board of aldermen and a two-thirds vote of the voters at an election held therefor, amend their charters in any particular not in conflict with the constitution of the State or the Revised Statutes.

Sec. 2. In order to amend the charter of any town or village it shall be necessary before said amendment shall go into effect, for the board of aldermen to adopt a resolution setting forth the amendment, and a certified copy of the same shall be approved by the attorney general and recorded in the office of secretary of state before the same shall take effect.

Sec. 3. The early day fixed for adjournment creates an imperative public necessity for the suspension of the constitutional rule requiring this bill to be read on three several days be suspended, and it is so suspended.

Approved March 31, A. D., 1881.

Takes effect ninety days after adjournment.

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CHAPTER LXXVIII.—An act to make an appropriation for the propagation and preservation of fish, and to build fish-ways and fish-ladders, and to authorize the governor to appoint a fish commissioner, and to repeal all laws in conflict herewith.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be the duty of all persons, firms or corporations, who have erected, or who may hereafter erect, any mill-dam, water-weir, or other obstructions or weirs, on streams within the waters of this State, within six months from the passage of this act, to construct and keep in repair fish-ways or fish-ladders, at such mill-dam, water-weirs or obstructions, so that at all seasons of the year fish may ascend above such dam, weirs or obstructions, to deposit their spawn. Any firm, corporation or person, owning such mill-dam or obstructions, who shall fail or refuse to construct or keep in repair such fish-ways or fish-ladders, after having been notified and required by the fish commissioner to do so, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars, nor less than twenty-five dollars, for every such neglect or refusal.

Sec. 2. The governor is hereby authorized to appoint a fish commissioner, by and with the consent of the Senate, who shall be a person well versed in ichthyology, who shall hold his office for the term of two years, or until his successor in office shall have qualified, who shall discharge all the duties appertaining to his office, and therefor receive an annual salary of fifteen hundred dollars; and in the event of a vacancy in said office the governor shall appoint a temporary successor.

Sec. 3. That the sum of five thousand dollars, or so much thereof as may be necessary, be and the same is hereby annually appropriated, from any moneys in the treasury not otherwise appropriated, to be used by the

fish commissioner of the state for the preservation and distribution of said fish, in the rivers, rivulets, creeks, tanks, ponds, and other waters in the State of Texas: the expenditures of same to be audited and paid in the same manner and under the laws governing other expenses of government of the State of Texas.

Sec. 4. That the said fish shall be distributed, upon requisitions of the commissioners' courts of the various counties of this State, to said counties, in such numbers as, in the discretion of the fish commissioner, is just and equitable; provided, the expenses incurred in the transportation of fish distributed under the provisions of this act shall be defrayed by the county or counties receiving the same, to be paid out of the county treasury; and provided, however, that any individual or individuals making requisitions for fish through their respective commissioners' courts, for private use, shall bear the expense of transportation from the place of distribution to the place of delivery.

Sec. 5. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 6. That whereas the season for the young spawn being now at hand, and that the fish commissioner of Texas may be enabled to obtain a supply of the same for this State, for distribution this year, an emergency exists for the immediate passage of this act, and public necessity imperatively requires the suspension of the constitutional rule requiring bills to be read on three several days, it is so enacted, and this bill to go into effect from and after its passage:

Approved March 31, A. D. 1881.

Takes effect from passage.

#### CHAPTER LXXIX.—An act making an appropriation for the support of the State government for the years beginning March 1, 1881, and ending February 28, 1883.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the treasury not otherwise appropriated, for the support of the State government for the years beginning March 1, 1881, and ending February 28, 1883:

Executive Office.	YEARS ENDING	
	Feb. 28, 1882	Feb. 28, 1883
For salary of governor.....	\$4,000	\$4,000
"    private secretary.....	1,500	1,500
"    "    clerk.....	900	900
telegraphing.....	300	300
books and stationery.....	300	300
Postage.....	200	200
porter hire executive office.....	360	360
labor to keep executive mansion and grounds in order, and other contingent expenses for same,	500	500
wood, lights, etc., executive office.....	200	200
gas for mansion.....	200	200

Executive Office—Continued.	YEARS ENDING	
	Feb. 28, 1882	Feb. 28, 1883
For the payment of rewards and for paying attorneys for prosecuting offenders against the laws of this State; for representing the State in civil cases, and for necessary expenses of suits, to be under the control and paid upon warrants issued on certificates of the governor.....	\$20,000	\$20,000
furniture and contingents for the executive office .....	400	
keeping governor's mansion in repair.....	500	500
State Department.		
For salary of secretary of state.....	2,000	2,000
“ chief clerk .....	1,500	1,500
“ one clerk .....	1,200	1,200
“ one clerk .....	900	900
postage .....	1,200	1,200
freight and express.....	200	200
books and stationery.....	400	400
lights .....	25	25
wood .....	100	100
fixing file and book room.....	300	
contingent expenses .....	50	50
printing material for deaf and dumb asylum....	5,000	
public printing .....	20,000	20,000
advertising constitutional amendments to be submitted to the people before the next meeting of the legislature, or so much thereof as may be necessary .....	20,000	
expert and clerk printing board.....	1,500	1,500
porter hire state department and department of education .....	360	360
Treasury Department.		
For salary of treasurer.....	2,500	2,500
“ chief clerk.....	1,800	1,800
“ one additional clerk.....	900	900
“ bookkeeper .....	1,500	1,500
“ two additional bookkeepers, to be paid one-half out of the university fund, and one-half out of the proceeds of the sales of the common school lands.	3,000	3,000
salary of night watchman.....	900	900
“ porter, to act as messenger also.....	600	600
books and stationery.....	250	250
wood and lights.....	150	150
postage .....	200	200
contingent fund .....	50	50
shelves and preservation of papers.....	250	
iron railing for protection of treasurer's office....	250	
to pay storage on bonds of the State on deposit in New York, and expenses of transporting them to Texas.....	100	



	YEARS ENDING	
	Feb. 28, 1882	Feb. 28, 1883
Comptroller's Office.		
For salary of comptroller .....	\$2,500	\$2,500
“ chief clerk .....	1,800	1,800
“ correspondence clerk .....	1,500	1,500
“ one auditing clerk .....	1,500	1,500
“ one bookkeeper .....	1,500	1,500
“ one receiving clerk .....	1,500	1,500
“ one deposit warrant clerk .....	1,200	1,200
“ one tax clerk .....	1,500	1,500
“ one tax sales clerk .....	1,500	1,500
“ one back tax clerk .....	1,200	1,200
“ one redemption clerk .....	1,200	1,200
“ one examining clerk .....	1,200	1,200
“ one warrant clerk .....	1,500	1,500
“ eight first assistant clerks .....	9,600	9,600
salary of assistant clerks at an average of \$75 per month .....	12,600	12,600
wood .....	250	250
telegraphing, postage for correspondence and assessment rolls .....	2,500	2,500
contingent expenses and repairs on building .....	500	
books, stationery and binding rolls .....	2,000	2,000
porter and messenger hire .....	400	400

## Lunatic Asylum.

For salary of superintendent .....	2,000	2,000
“ assistant superintendent and apothecary .....	1,500	1,500
“ steward .....	900	900
“ matron .....	400	400
“ twelve male wards, at \$20 per month .....	2,880	2,880
“ ten female wards .....	2,400	2,400
“ five seamstresses .....	1,200	1,200
“ five laundresses .....	1,200	1,200
“ one night watchman and one night watchwoman .....	600	600
“ one gardener .....	360	360
“ one scavenger .....	200	200
“ one chief cook .....	360	360
“ two assistant cooks .....	480	480
“ one carpenter .....	360	360
“ one baker .....	480	480
“ two farm laborers .....	400	400
medical stores .....	1,000	1,000
dry goods, bedding and clothing .....	6,000	6,000
groceries, provisions and wood .....	27,500	27,500
forage .....	500	500
repairs .....	1,500	1,500
transportation of patients .....	2,000	2,000
miscellaneous purposes .....	600	600
additional buildings .....	100,000	
sewerage .....	7,500	

Lunatic Asylum—Continued.	YEARS ENDING	
	Feb. 28, 1882	Feb. 28, 1883
For water works and heating apparatus for old and new buildings .....	\$30,000	
support of increased inmates for the years 1882 and 1883 .....	5,000	\$10,000
additional employes .....	2,000	3,000
furniture for buildings .....	5,000	

All moneys arising from the board and treatment of non-indigent patients of this department to be applied in part toward this appropriation, and the said moneys shall be paid over to the state treasurer monthly.

General Land Office.

For salary of commissioner .....	\$2,500	\$2,500
“ chief clerk .....	2,000	2,000
“ Spanish clerk .....	1,500	1,500
“ receiving clerk .....	1,700	1,700
“ examining clerk .....	1,500	1,500
“ calculator .....	1,200	1,200
“ first assistant clerk .....	1,300	1,300
“ two filing clerks—one at \$1,100 and one at \$900 .....	2,000	2,000
“ two corresponding clerks .....	2,200	2,200
“ principal patent clerk .....	1,100	1,100
“ fourteen assistants at not more than \$75 per month .....	12,600	12,600
“ chief draughtsman .....	1,800	1,800
“ four compiling draughtsmen .....	6,000	6,000
“ eight assistant draughtsmen .....	9,600	9,600
“ one abstract clerk .....	1,200	1,200
“ one night watchman .....	500	500
“ porter .....	360	360
stationery, books and furniture .....	3,000	3,000
postage .....	750	750
wood .....	250	250
contingent expenses .....	100	100
litographic maps .....	2,000	
repairs on buildings .....	1,000	

Blind Asylum.

For salary of superintendent .....	2,000	2,000
“ school, music and shop teachers .....	5,000	6,000
“ matron and nurse .....	400	400
“ assistant matron and nurse .....	300	300
“ teacher of sewing and seamstress .....	300	300
“ oculist .....	600	600
“ cook and assistants .....	400	400
“ three laundresses .....	450	450
groceries, provisions and miscellaneous .....	14,000	14,000
repair fund .....	1,500	1,500
four pianos and two organs .....	1,200	
one range for kitchen .....	300	

	YEARS ENDING	
	Feb. 28, 1882	Feb. 28, 1883
Blind Asylum—Continued.		
For bookkeeper and steward.....	\$500	\$500
new furniture and bedding.....	2,000	
erection of new buildings and repair of old ones	25,000	
furniture for old and new buildings.....	3,000	
Penitentiary.		
For carrying prisoners .....	40,000	40,000
completing improvements at Rusk penitentiary, water supply, drainage and heating.....	35,000	
The improvement and security of the State peni- tentiaries, which amounts shall be expended under the control and direction of the State penitentiary board, the proceeds of the present lease, which expires January 1, 1883.		
library at Rusk .....	500	
“ Huntsville .....	500	
To enable the governor to carry on and pay the ex- penses of the penitentiaries, should the State resume control of the same, but the appropriation to be used in no other event.....	40,000	
Quarantine.		
For pay of health officers and for expenses incurred under quarantine laws of this State.....	20,000	20,000
construction and repairs of quarantine stations at east end of Galveston island, Brazos Santiago, Aransas Pass and Pass Cavallo, Orange, Sa- bine Pass, and such other points as may be found necessary .....	16,000	
Deaf and Dumb Asylum.		
For pay of superintendent.....	2,000	2,000
“ principal .....	1,000	1,000
“ school teacher .....	600	600
“ five additional teachers at \$40 per month	2,400	2,400
“ secretary and steward .....	500	500
“ matron .....	360	360
“ assistant matron, etc. ....	300	300
“ night watchman .....	360	360
“ three washers and ironers.....	450	450
“ two cooks .....	420	420
“ gardener and farmer .....	180	180
“ monitor for boys .....	120	120
“ purchasing books .....	500	500
“ supplies and miscellaneous purposes.....	14,000	14,000
“ for furnishing bedding, stoves, farming implements, etc. ....	1,500	1,500
“ completion of brick edifice and repairing buildings .....	4,500	
“ new furniture .....	1,500	

	YEARS ENDING	
	Feb. 23, 1882	Feb. 23, 1883
<b>Attorney General's Office.</b>		
For salary of attorney general.....	\$2,000	\$2,000
“ assistant attorney general and traveling expenses, etc. ....	3,000	3,000
“ chief clerk .....	1,800	1,800
“ assistant clerk .....	1,000	1,000
stationery .....	200	200
postage .....	300	300
contingent expenses and repairing room.....	100	100
purchasing safe for office.....	200	
wood and light .....	100	100
purchasing law books and current law literature.	1,000	100
furniture for office .....	500	
fees in felony cases .....	1,500	1,500
new floor .....	50	
one porter for attorney general, and adjutant general's office, and insurance, statistics and history .....	360	360

Adjutant General's Office.

For salary of adjutant general.....	2,000	2,000
“ chief clerk .....	1,200	1,200
stationery, postage and telegraph.....	200	200
fuel and contingent expenses.....	100	100
handling and transportation of arms, ammunition, etc. ....	500	500
repairs arms, ammunition .....	150	150
making fence around arsenal.....	100	
the protection of the frontier and the suppression of lawlessness and crime, to be expended under the direction of the governor.....	80,000	60,000

Judiciary Department.

For salary of three judges of supreme court.....	10,650	10,650
pay of sheriffs or bailiffs for attendance.....	300	300
books and stationery, supreme court.....	600	600
repairing, carpeting and furniture of supreme court rooms .....	811	
postage and contingent expenses.....	500	500
purchase of law books for supreme court library	1,000	1,000
porter hire .....	270	270
payment of fees and costs of sheriffs, clerks, district and county attorneys in felony cases....	210,000	210,000
publishing supreme court reports.....	5,000	5,000
publishing court of appeals reports.....	5,000	5,000
librarian of supreme court at Tyler, to be appointed by the chief justice of the supreme court, and to be under his control; and said librarian shall keep open said library from 9 a. m. to 5 p. m. of each day except Sundays, and when supreme court is in session shall keep open from 7 a. m. to 10 p. m.....	300	300

	YEARS ENDING	
	Feb. 28, 1882	Feb. 28, 1883
Judiciary Department—Continued.		
For librarian supreme court at Galveston.....	\$300	\$300
fuel and lights for supreme court.....	500	500
repairing, carpeting and furniture of court of ap- peals rooms .....	800	
fuel and lights for court of appeals.....	500	500
postage and contingent expenses of court of ap- peals .....	500	500
salary of three judges of court of appeals.....	10,650	10,650
pay of sheriffs or bailiffs attendance on court of appeals .....	300	300
pay of clerks' fees, criminal costs in court of ap- peals .....	4,000	4,000
porter hire, court of appeals.....	270	270
books, stationery and furniture, court of appeals	900	900
pay of thirty-eight district judges.....	95,000	95,000
salary of judge of criminal district court, Galves- ton and Houston.....	2,500	2,500
“ district attorneys .....	10,000	10,000
“ district attorney of criminal district courts, Galveston and Harris counties	500	500
“ of special district judges .....	5,000	5,000
“ of commissioners of appeals.....	10,650	10,650
blank books and stationery for commissioners of appeals .....	400	400
furniture for commissioners of appeals.....	400	
postage and contingent expenses.....	300	300
fuel and lights .....	250	250
porter hire .....	180	180
librarian of supreme court at Austin, to be ap- pointed by the chief justice of the supreme court, and to be under his control.....	300	300
repairs to the roof of the supreme court building at Austin .....	50	

## Department of Insurance, Etc.

For salary of commissioner.....	2,000	2,000
“ one clerk, to be State librarian.....	1,000	1,000
stationery, postage, printing, fuel, lights, pur- chasing, binding and express charges on books for public library, and for office furniture and express for procuring historical archives....	500	500
subscription for newspapers for public library..	100	100
the dissemination of statistical information in the various States and in foreign countries in re- gard to climate, soil and resources of Texas, to be expended under the direction of the gov- ernor, secretary of state, secretary of board of education and commissioner of insurance, sta- tistics and history.....	5,500	5,500
labor upon public grounds and taking care of pub- lic buildings and shrubbery within the inclosure	600	600

Department of Insurance, Etc.—continued.	YEARS ENDING	
	Feb 28, 1882	Feb 28, 1883
For new fence and gates to State cemetery, for putting cemetery grounds in order, and for purchase of shrubbery.....	\$2,500	
keeping State cemetery in order, purchasing and setting out shrubbery.....	500	\$500
Educational Department.		
For salary of secretary of board of education, to be appropriated out of the available school fund	2,000	2,000
support of Sam Houston Normal Institute for the years ending August 31, 1882, to August 31, 1883, out of the available school fund...	18,000	18,000
roofing anew the building (Sam Houston Normal Institute), out of the available school fund...	2,000	2,000
support of Prairie View Normal Institute for the years ending August 31, 1882, to August 31, 1883, out of the university fund.....	6,000	6,000
repairs of buildings, purchase library, two mules, a wagon, and for miscellaneous property for use of Prairie View Normal Institute, out of university fund.....	2,000	
Provided, that in the qualifications of students for admission into said schools a knowledge of the Latin grammar and of Algebra shall not be required.		
For the purpose of maintaining, supporting and instructing free of charge, at the Agricultural and Mechanical College of Texas, one student for each representative in each representative district in the State, one-half of whom shall take an agricultural and the other half a mechanical course, out of the university fund....	7,500	7,500

For the support of the public free schools for the year ending August 31, 1882 and 1883, one-fourth of all the general revenue that may be collected, exclusive of the cost of collection; all the annual poll tax levied for school purposes, exclusive of the cost of collection; and all the interest on the permanent school fund, including bonds and other interest-bearing indebtedness now or hereafter belonging to said permanent school fund, less the amount of the foregoing four appropriations out of the available school fund.

Miscellaneous.

For payment of interest on public debt.....	\$300,000	\$300,000
sinking fund.....	100,000	100,000
“ compensation of superintendents and the building commissioners, and for contingent expenses in disposing of capitol reservation lands, and for removing obstructions and building the new capitol, the amount of each expenditure to be determined by the governor, and paid on his order, to be reimbursed to general revenue out of sales of capitol lands, each amount to be irrespective of former enactments.....	10,000	10,000

Miscellaneous—continued.	YEARS ENDING.	
	Feb. 28, 1882	Feb. 28, 1883
For the purchase and retirement of outstanding bonds of the State, and not to be used until all amounts, other than this named in this and other appropriation bills, have been set aside from the general fund in the state treasury..	1,000,000	1,000,000
This amount to be drawn from the state treasury by the treasurer, with the advice and consent of the governor and comptroller, in such sums as may be necessary from time to time to carry into effect the purposes of an act passed at the present session of the Legislature for the purchase and retirement of outstanding State bonds.		
For water supply for capitol grounds, executive mansion and land office for fire and other purposes	900	900
furnishing weights and measures for the different counties of this State.....	5,000	

Sec. 2. That the near approach of the close of this session, and the fact that the State government is without any appropriation for its support, creates an imperative public necessity that the constitutional rule requiring this bill to be read on three several days be suspended, and it is so enacted.

Approved April 1, A. D. 1881.

Takes effect from passage.

CHAPTER LXXX.—An act supplementary to and amendatory of "An act making appropriations for deficiencies beginning March 1, 1879, and ending February 28, 1881, and for previous years," passed March 24, 1881.

Section 1. Be it enacted by the Legislature of the State of Texas, That an act entitled "An act making appropriations for deficiencies, beginning March 1, 1879, and ending February 28, 1881," and passed March 24, 1881, be so amended as hereafter to read as follows:

"That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the treasury not otherwise appropriated, for deficiencies incurred in the support of the State government, for the period of time beginning March 1, 1879, and ending February 28, 1881, and for previous years:

#### Judiciary.

To pay costs due sheriffs, clerks and attorneys for the year ending February 29, 1880.....	\$28,145	67
To pay costs due sheriffs, clerks and attorneys for the year ending February 28, 1881.....	10,000	00
To pay salaries of special judges for both years.....	607	87
To pay clerks' fees in felony cases in appellate court.....	2,730	00
To pay for stationery for appellate court.....	28	75
To pay extradition expenses for 1878.....	244	50
To pay rewards, etc., for year ending February 28, 1879, and previous years.....	4,000	00

**Quarantine.**

To pay salaries and expenses of quarantine officers, for year ending February 29, 1880.....	\$6,735 21
To pay for building quarantine stations.....	2,845 05
To pay salaries and expenses of quarantine for the year ending February 28, 1881.....	2,584 30

**Institution for the Deaf and Dumb.**

To pay for groceries, provisions, etc., for both years.....	3,527 00
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**Institution for the Blind.**

To pay for groceries, provisions, etc., for both years.....	1,200 00
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**Penitentiaries.**

To pay for conveying prisoners to penitentiary for both years	13,938 40
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**Agricultural and Mechanical College.**

To pay H. C. Edrington for moneys advanced to the Agricultural and Mechanical College.....	4,987 44
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**Miscellaneous.**

To pay J. G. Hamilton for carrying a prisoner charged with felony, adjudged insane, to lunatic asylum, from Delta county, in 1874.....	162 50
To pay school superintendents and directors for the year beginning September 1, 1875, and ending August 31, 1876..	45,000 00
To pay teachers and inspectors of public free schools, for services rendered prior to July 1, 1873, said claims to be audited by the comptroller in accordance with the laws under which said services were rendered, and acts on the subject, approved respectively on April 27, 1874, and July 6, 1876, the said comptroller to determine in all cases from information he may regard reliable, if said claims are honest and proper ones, notwithstanding they may be proved up or established as provided for in said acts, and this appropriation to include the \$30,000 appropriated for this purpose by the Sixteenth Legislature, \$75,000; and the comptroller shall have power to reject all such claims as he may find fraudulent, and said rejection shall forever bar the same. Should this amount be found insufficient to pay the claims audited by the comptroller, he shall pro rate the same among such audited claims; provided, that no claims not heretofore established or proved up under the laws under which the services were rendered, or under one of said acts, shall be audited hereunder; and no claim shall be audited, unless the same is filed in the comptroller's office within ninety days from the passage of this act. All claims not so filed within ninety days, shall be forever barred.	
To pay Tobin Bros.' bill of J. W. Van Dyke, for material and labor on public buildings in 1877.....	139 50
To pay Levi Perryman for conveying three prisoners while sheriff of Montague county, viz: Robert Simmons, George Taylor and G. W. Hargraves, convicted of felony, from Montague county, Texas, to the State penitentiary at Huntsville, in July, 1879.....	369 00



To pay Brush & White, and William Raatz, for material furnished to build greenhouse on capitol grounds..... \$247 27  
 To pay debts of second class of the late Republic of Texas... 3,000 00

Sec. 2. Whereas, the near approach of the close of the session of the Legislature creates an imperative necessity that the constitutional rule requiring bills to be read on three several days in both houses of the Legislature, on three several days prior to its passage, be suspended, and the fact that the general deficiency bill, of which this is amendatory of, and supplementary to, has passed at this session of the Legislature, but without the requisite two-thirds majority, so as to give it immediate effect, and the fact that there is ample money in the State treasury to pay off and discharge such deficiencies, and there being no reason why the State creditors should be further postponed for ninety days, creates an emergency that requires that this act take effect and be in force from and after its passage, and it is therefore enacted that the constitutional rule requiring this act to be read on three several days be suspended, and that this act take effect and be in force from and after its passage.

Approved April 1, A. D. 1881.

Takes effect from passage.

CHAPTER LXXXI.—An act to amend section five of an act entitled “An act to establish the University of Texas,” passed at the present session of the Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That section 5 of an act entitled “An act to establish the University of Texas,” passed at the present session of the Legislature, be so amended as hereafter to read as follows:

“Section 5. The government of the University shall be vested in a board of regents to consist of eight members, selected from different portions of the State, who shall be nominated by the governor, and appointed by and with the consent of the Senate; and should a vacancy occur by reason of the death, resignation or removal of any of the regents, or from any other cause, at a time when the Legislature is not in session, the governor shall have power to fill such vacancy until the meeting of the next succeeding Legislature.”

Sec. 2. The near approach of the end of the present session of the Legislature creates an emergency that the constitutional rule requiring bills to be read on three several days be suspended; and for the reason that the act establishing the University of Texas will not go into effect until after the adjournment of this session of the Legislature, thereby preventing the confirmation by the present Senate of a board of regents, there exists an imperative public necessity that this act take effect from and after its passage, and it is so enacted.

Approved April 1, A. D. 1881.

Takes effect from passage.

CHAPTER LXXXII.—An act to regulate the appointment and define the duties of notaries public, to require them to procure and use legal seals, and to punish them for failing to do so.

Section 1. Be it enacted by the Legislature of the State of Texas, That there shall be appointed by the governor, by and with the advice and consent of two-thirds of the Senate, a convenient number of notaries

public for each county in this State, not less than five nor more than twenty, who shall hold their offices for the term of two years; provided, that the term of office of all notaries now holding shall expire on the first day of June, 1881, and that notaries public appointed during the present and all regular biennial sessions of the Legislature, shall hold their offices for two years from the first day of June of the year in which said appointment was made.

Sec. 2. Every person who may be appointed a notary public, before he enters on the duties of his office, shall execute a bond with two or more good and sufficient sureties, to be approved by the clerk of the county court of his county, payable to the governor and his successors in office, in the sum of one thousand dollars, conditioned for the faithful performance of the duties of his office; and shall also take and subscribe the oath of office prescribed by the constitution, which shall be indorsed on said bond, with the certificate of the officer administering the same; said bond shall be recorded in the office of the clerk of the county court, and deposited in said office, and shall not be void on the first recovery, and may be sued on in the name of any party injured from time to time until the whole amount thereof has been recovered.

Sec. 3. Every notary public, who shall be guilty of any willful neglect of duty or malfeasance in office, may be removed from office in the manner provided by law.

Sec. 4. Whenever any notary public shall remove permanently from the county for which he was appointed, or an ex-officio notary public from his precinct, his office shall thereupon be deemed vacant.

Sec. 5. Every notary public shall provide a seal of office whereon shall be engraved in the centre a star of five points, and the words "Notary public, county of . . . . ., Texas," around the margin (the blank to be filled with the name of the county for which the officer is appointed), and he shall authenticate all his official acts therewith; and any notary public or other officer required by law to keep and use a seal, who shall, after the first of June, 1881, use in attesting any instrument, any seal, not such as he is required by law to keep and use for the purpose, or shall fail or refuse to deliver to the county clerk of his county his seal, record books and all public papers pertaining to his office, or any of them, in case of his resignation or removal from the county, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be fined in any sum not less than one hundred dollars; provided, that such notary public shall have the right to sell his seal to any qualified notary public of his county.

Sec. 6. Whenever the office of notary public shall be vacated by resignation, removal or death, it shall be the duty of the county clerk of the county where said notary resides to obtain and deposit in his office the seal, record books, and all public papers belonging in the office of said notary; provided, that the seal of any notary vacating his office may be sold by the owner thereof to any qualified notary public in the county.

Sec. 7. Notaries Public may take acknowledgments or proof of all instruments of writing in the manner provided by law, to entitle them to registration, and give certificates of all such acknowledgments and proofs under their hands and official seals; they may take the examination and acknowledgments of married women to all deeds and instruments of writing, conveying or charging their separate property, or their interest in the homestead, in the manner provided by law.

Sec. 8. Every notary public shall have power to administer oaths and give certificates thereof under his hand and official seal. He may take the proof or acknowledgments of all instruments of writing relating to commerce and navigation, and also letters of attorney and other instruments of writing, make declarations, and protest, and certify under his hand and seal the truth of the matters or things done by virtue of his office.

Sec. 9. Every notary public shall procure and keep a well-bound book, in which shall be entered the date of all instruments acknowledged before him, the date of such acknowledgements, the name of the grantor or maker, the place of his residence or alleged residence, whether personally known or introduced, and, if introduced, the name and residence, or alleged residence, of the party introducing him; if the instrument be proved by a witness, the residence of such witness, whether such witness is personally known to him or introduced; if introduced, the name and residence of the party introducing him; the name and residence of the grantee; if land is conveyed or charged by such instrument, the name of the original grantee thereof shall be kept, and the county where the land is situated. The book herein required to be kept, and the statements herein required to be entered, shall be an original public record, and the same shall be open to inspection by any citizen at all reasonable times; and such notary public shall give a certified copy of any record in his office to any person applying therefor on payment of all fees thereon.

Sec. 10. Notaries public shall have power to take the depositions of witnesses in the manner prescribed by law; to attest the oath of any person to a petition or answer in any suit, and the same, when so attested, shall be valid in all the courts of this State.

Sec. 11. Copies of all records, declarations, protests and other official acts of notaries public, may be certified by the county clerk with whom they are deposited, and shall have the same authority as if certified by the notary by whom they were originally made.

Sec. 12. When notaries public have been appointed by the governor, and shall have qualified, it shall be the duty of the secretary of state to furnish to the clerks of the county courts a printed list of all notaries public so appointed and qualified, and it shall be the duty of said clerks to preserve said list for public inspection, and post a copy thereof on the court-house door.

Sec. 13. When a notary is appointed, the secretary of state shall forward the commission to the clerk of the county court of the county where the party resides, and the said clerk shall immediately notify said party to appear before him within ten days, pay for his commission and qualify according to law; provided, that if said party be absent from the county, or sick, at the time of reception of said commission by the clerk, then he shall have ten days from his return to said county in which to appear and qualify.

Sec. 14. The clerk receiving the commission shall indorse thereon the day on which notice was given, and if the party pay the State fee for commission and qualify according to law, the said clerk shall notify the secretary of state of his qualification, giving date of same, and remit the fee to said officer; but if the party fails to qualify and pay the fee within the time limited, the appointment shall be void and the clerk shall certify on the back of the commission that the party has failed to qualify and return it to the secretary of state.

Sec. 15. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 16. The near approach of the close of the present session of the Legislature, and the importance of the early appointment of the notaries public, creates an imperative public necessity and an emergency for the suspension of the constitutional rule requiring all bills to be read on three several days, and it is hereby suspended, and that the same take effect and be in force from and after its passage.

Approved April 1, 1881.

Takes effect from passage.

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CHAPTER LXXXIII.—An act to amend title 34 of the Revised Civil Statutes of the State of Texas, by adding articles 1665a and 1665b, and to amend articles 1689 and 1702 of the election laws of the State of Texas, and to provide for creating election precincts in unorganized counties.

Section 1. Be it enacted by the Legislature of the State of Texas, That title 34 of the Revised Civil Statutes of the State of Texas be amended by adding articles 1665a and 1665b, and by amending articles 1689 and 1702, so that the same shall read as follows:

“Article 1665a. Each unorganized county in the State of Texas shall constitute an election precinct, and the commissioners’ court of a county to which an unorganized county is attached for judicial purposes shall, by an order duly spread on the minutes of the commissioners’ court, designate one place within each unorganized county, at which all elections in such unorganized county shall be held.

“Article 1665b. It shall be the duty of the commissioners’ court to which any unorganized county is attached for judicial purposes to appoint some suitable person in each of such unorganized counties, to serve as a presiding officer of elections in said unorganized county, which appointment shall be made in the same manner as in the appointment of presiding officers in election precincts in organized counties.”

“Article 1689. All voters in any county shall vote in the election precinct in which they reside.”

“Article 1702. Immediately after counting the votes, by the managers of election, the presiding officer shall place all the ballots voted, together with one poll list and one tally list, into a wooden or metallic box, and shall securely fasten the box with nails, screws or locks, and he shall, within ten days after the election, Sundays and the days of election excluded, deliver said box to the clerk of the county court of his county, or to the county to which the unorganized county is attached for judicial purposes, whose duty it shall be to keep the same securely; and in the event of any contest growing out of elections within one year thereafter, he shall deliver said ballot box to any competent officer having a process therefor, from any tribunal or authority authorized by law to demand such ballot box; provided, that all questions arising at any election board shall be settled and determined by the presiding officer and the judges, anything in any law to the contrary notwithstanding.

Sec. 2. The near approach of the close of the session of the Legislature creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended.

Approved April 4, A. D. 1881.

Takes effect ninety days after adjournment.

CHAPTER LXXXIV.—An act to ascertain what, if any, unpaid balance of salary is due Gustave Cook, as judge of the criminal district court of Galveston and Harris counties, and William Steele, late adjutant general of the State of Texas, and making an appropriation therefor.

Section 1. Be it enacted by the Legislature of the State of Texas, In order to ascertain what, if any, amount of unpaid salary is due Gustave Cook, of Harris county, as judge of the criminal district court of Galveston and Harris counties, and William Steele, adjutant general of the State of Texas, they are authorized, at their own expense, without cost to the State, to institute suit against the State of Texas in the district court of Travis county, which may be tried at this present or the next term thereof, after five days service, with the right to appeal to both parties, to ascertain what, if any, amount is due Gustave Cook by the State for salary as judge of the criminal district court of Galveston and Harris counties, between the first day of January, 1879, and first day of September, 1880; and what amount, if any, is due William Steele, as adjutant general of the State of Texas, between the first day of September, 1876, to January 28, 1879; and the sum of three thousand dollars, or so much thereof as may be necessary, is appropriated out of any funds in the treasury not otherwise appropriated, to pay whatever sum, if any, may be ascertained by judgments to be due, and the comptroller shall draw his warrants in favor of such successful litigant or litigants, respectively, upon the treasurer for the amount or amounts, who shall pay the same.

Sec. 2. And if any sum or sums is found to have been due and unpaid by the State by final judgment or judgments in said suit or suits to the said Cook and Steele, because the same, in justice to them, should have been then paid, but is drawing no interest, nor will, it is manifest injustice to continue to detain the decision of the matter, as well as whatever may be found due, if anything. This is an emergency, and the act shall take effect from and after its passage.

Approved April 4, A. D. 1881.

Takes effect ninety days after adjournment.

CHAPTER LXXXV.—An act amendatory of article 3112, of title 58, of an act to adopt and establish the Revised Civil Statutes of the State of Texas, passed by the Sixteenth Legislature of Texas, A. D. 1879.

Section 1. Be it enacted by the Legislature of the State of Texas, That article 3112 of the Revised Civil Statutes of the State of Texas, as adopted by the Sixteenth Legislature of the State of Texas, be and the same is hereby amended so as to hereafter read as follows:

"Article 3112. When any rent or advances shall become due, or the tenant shall be about to remove from such leased or rented premises, or to remove his property from such premises, it shall be lawful for the person to whom the rents or advances are payable, his agent, attorney, assigns, heirs or legal representatives, to apply to a justice of the peace of the precinct where the premises are situated, or in which the property upon which a lien for rents or advances exists may be found, or to any justice having jurisdiction of the cause of action under chapter 5, article 1556, of the Revised Code, for a warrant to seize the property of such

tenant; provided, that when a distress warrant shall be issued by any justice other than the justice of the peace of the precinct in which the rented premises may be situated, or in which the defendant may reside, such warrant shall be made returnable to, and the affidavit and bond upon which it is issued shall be transmitted by, the justice issuing such distress warrant to some justice of the precinct in which the rented premises may be situated, or in which the defendant may reside.

Sec. 2. Whereas, the near approach of the end of the present session creates an imperative public necessity requiring bills to be read on three several days to be suspended, therefore said rule is hereby suspended.

Approved April 4, A. D. 1881.

Takes effect ninety days after adjournment.

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CHAPTER LXXXVI.—An act to legalize and validate the ordinances of cities and towns, where said ordinances impose a penalty for their violation, and have not been published in the official journals as required by law, and to give force and effect to the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That whenever in any city or town in this State, incorporated under the provisions of the general charter for cities and towns contained in title 17, of the Revised Civil Statutes, the city council shall have, prior to the passage of this act, adopted any ordinance or ordinances which by the provisions of said charter are required to be published in the official journal of said city for ten days before taking effect, and shall have failed or neglected to make publication of said ordinances, but shall have had the same published in pamphlet form, such ordinance or ordinances are hereby validated and shall have force and effect from and after the passage of this act, in all respects the same as if they had been duly advertised.

Sec. 2. The near approach of the close of the session creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the necessity for the preservation of law and order in the several towns and cities of this State creates an emergency that this act take effect from and after its passage, and it is so enacted.

Approved April 4, A. D. 1881.

Takes effect from passage.

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CHAPTER LXXXVII.—An act to amend article 2395, chapter 3, of title 42, of the Revised Civil Statutes of the State of Texas, relating to compensation for ex-officio services of clerks of county courts.

Section 1. Be it enacted by the Legislature of the State of Texas, That article 2395, of chapter 3, of title 42, of the Revised Civil Statutes of the State of Texas, shall hereafter read as follows:

“Article 2395. For all ex-officio services in relation to roads, bridges and ferries, issuing jury scrip, county warrants, and taking receipts therefor, services in habeas corpus cases, making out bar dockets, keeping county convict book, keeping record of trust funds, filing and docketing all papers for commissioners’ court, keeping road overseer’s book and list

of hands, recording all collection returns of delinquent insolvents, and list of lands sold to individuals for taxes, recording county treasurer's reports, recording reports of justices of the peace, recording reports of animals slaughtered, and services in connection with all elections, and all other public services not otherwise provided for, to be paid upon the order of the commissioners' court out of the treasury. The clerk shall receive the sum of not less than ten dollars nor more than twenty-five dollars per annum, for each one thousand inhabitants of his county; provided, the total amount paid the clerk in any one year shall not be less than fifty nor more than five hundred dollars, said amount to be paid quarterly. No county clerk shall be compelled to file or record any instrument of writing, permitted or required by law to be recorded, until after payment, or tender of payment, of all legal fees for such filing or recording has been made; provided, that nothing herein shall be construed to include papers or instruments filed or recorded in suits pending in the county court."

Sec. 2. The fact that the time for the adjournment of this session of the Legislature is so near that this bill cannot be considered by both houses unless the rule requiring it to be read on three several days is suspended, creates a necessity for the suspension of said rule, and it is suspended.

Approved April 4, A. D. 1881.

Takes effect ninety days after adjournment.

#### CHAPTER LXXXVIII.—An act to amend article 3994 of title 80 of the Revised Civil Statutes.

Section. 1. Be it enacted by the Legislature of the State of Texas, That article 3994 of title 80 of the Revised Civil Statutes be so amended as to hereafter read as follows:

"Article 3994. The public printing shall be divided into four classes, as follows:

"First. The first class shall include the printing and binding of the laws, journals, department reports, governor's messages, and like documents, which shall be printed on white calendered No. 2 book paper, of uniform color, 24x38 inches in size, and weighing not less than forty-five pounds to the ream, on long primer type, (except tabular work, which may be in such type smaller than long primer as the nature of the work and good taste may require) the pages of the laws, department reports, governor's messages, and like documents, to be fifty-seven ems long, including head and foot lines, and thirty-two ems wide, long primer measure, and not to contain less than one thousand eight hundred ems; and the journals shall be printed in quarto form, the pages to be seventy-two lines long and fifty-four ems wide, long primer measure, and not to contain less than thirty-eight hundred and sixteen ems, and all messages and reports appearing in the journals shall be printed in brevier type, and the ayes and noes shall also be printed in brevier type, in three columns. When printed the laws and reports shall be neatly folded, stitched and covered, and the journals and messages folded, stitched and trimmed; cover paper shall be thirty-five pounds to the ream. The index to the laws shall be printed in like style and type as the index to the General Laws of the Ninth Legislature. The maximum prices for the work of

the first class shall be: For paper, white and cover, per ream, nine dollars, and no allowance shall be made for waste; composition, one dollar per thousand ems, printer's measurement; press work, sixteen pages to the form, unless the nature of the work requires a smaller number of pages, one dollar per token of two hundred and forty impressions or less; binding, fifty cents per one hundred for folding, stitching and covering first signature of sixteen pages, and twenty-five cents per one hundred for each additional signature of sixteen pages or less; for folding, stitching and trimming without covering, forty cents per one hundred for first signature of sixteen pages, and twenty cents per one hundred for each additional signature of sixteen pages or less, but no matter shall be leaded except by the express direction of the printing board. The printing board shall, at the same time the contract is let for the printing of the journals of the two houses of the Legislature, include in said contract the printing and delivery of each day's proceedings of the two houses while in session, the same to be printed in quarto form as provided in this act for the printing of the regular journals of the two houses, one thousand copies for the use of the House of Representatives and five hundred copies for the use of the Senate, the same to be delivered by the hour of meeting of the day following that on which such proceedings were had.

"Second. Work of the second class shall consist of all blanks and printed stationery required by any department of the State Government except the judicial department, and shall be on first class, sized and calendered white wove paper of such dimensions and weights as the nature of the work may require. The maximum rate for such work shall be as follows: For composition, ninety cents per thousand ems, printer's measurement; for press work on forms the size of flat cap sheet or less, seventy-five cents per token; on forms larger than flat cap, one dollar per token, and a token shall be two hundred and forty impressions or less, when the number of blanks ordered shall require a less number of impressions. The maximum rate for paper required for work of the second class shall be as follows:

"Letter Paper.—Ten pounds to the ream, four dollars and twenty cents per ream; twelve pounds to the ream, five dollars and five cents per ream.

"Flat Cap Paper.—Twelve pounds to the ream, five dollars and five cents per ream; fourteen pounds to the ream, five dollars and ninety cents per ream; sixteen pounds to the ream, six dollars and seventy-five cents per ream; eighteen pounds to the ream, eight dollars and forty cents per ream.

"Demy Paper.—Twenty-eight pounds to the ream, eleven dollars and seventy-five cents per ream; thirty pounds to the ream, twelve dollars and sixty cents per ream.

"Folio Post Paper.—Eighteen pounds to the ream, seven dollars and sixty cents per ream; twenty-two pounds to the ream, nine dollars and twenty-five cents per ream; twenty-four pounds to the ream, ten dollars per ream.

"Medium Paper.—Twenty-eight pounds to the ream, eleven dollars and seventy-five cents per ream; thirty-six pounds to the ream, fifteen dollars per ream.

"Double Flat Cap Paper.—Twenty-eight pounds to the ream, eleven dollars and seventy-five cents per ream; thirty-two pounds to the ream, thirteen dollars and forty-five cents per ream; thirty-six pounds to the



ream, fifteen dollars per ream; forty pounds to the ream, sixteen dollars and eighty cents per ream.

"Super Royal Paper.—Fifty pounds to the ream, twenty-two dollars and seventy cents per ream.

"For ruling work of the second class the maximum price shall be forty cents per one hundred for each passage through the ruling machine. For binding work of the second class the maximum price shall be: For pads of one hundred sheets each, quarter sheet cap demy or folio, twenty cents per pad; for quarter binding quarter sheet cap, demy or folio, forty cents per quire; for half binding quarter sheet cap, demy or folio, fifty cents per quire; half sheet cap, demy or folio, seventy-five cents per quire; for binding full skiver quarter sheet cap, demy or folio, sixty cents per quire; half sheet cap, demy or folio, ninety cents per quire.

"Third. Work of the third class shall consist of blank books, either ruled or printed; or ruled without printing. The paper shall be sized and calendered, made of linen stock, and of the quality known among paper dealers as "P" paper, and the following shall be maximum rates:

"Cap Paper.—Eighteen pounds to the ream, plain ruled, half bound, one dollar and twenty-five cents per quire; ditto, printed heads, one dollar and seventy-five cents per quire; ditto, plain ruled, extra full bound, two dollars per quire; ditto, printed heads two dollars and fifty cents per quire.

"Demy Paper.—Twenty-eight pounds to the ream, plain ruled, half bound, one dollar and fifty cents per quire; ditto, printed heads, two dollars per quire; ditto, plain ruled, extra full bound, two dollars and fifty cents per quire; ditto, printed heads, three dollars per quire.

"Medium Paper.—Thirty-six pounds to the ream, plain ruled, half bound, two dollars per quire; ditto, printed heads, two dollars and fifty cents per quire; ditto, plain ruled, extra full bound, three dollars per quire; ditto, printed heads, three dollars and fifty cents per quire.

"Medium Paper.—Forty pounds to the ream, plain ruled, extra full bound, four dollars per quire; ditto, printed heads, four dollars and fifty cents per quire.

"Super Royal Paper.—Fifty-four pounds to the ream, plain ruled, extra full bound, four dollars and fifty cents per quire; ditto, printed heads, five dollars per quire.

"Fourth. Work of the fourth class shall consist of the printing of bills, resolutions, committee reports and such other like work as may be ordered by the Legislature, or either house thereof, and shall be on first class sized and calendered, white wove flat cap paper, of twelve pounds to the ream, printed on pica type, lines numbered in the margin, with space between the lines of the size of pica, the printing to be thirty-six ems pica wide, and sixty-five ems in length. The maximum price for work of the fourth class shall be: for two hundred copies, or any number of copies less than two hundred ordered by either house of the Legislature, including composition, paper, presswork and binding, three dollars and twenty-five cents per page, for as many pages as are contained in one copy thereof, and when more than two hundred copies of work mentioned in this class, are ordered by either house of the Legislature, the printer shall be paid only for the paper, presswork and binding for such additional copies, at such rates as are contracted for, for work of the second class."

Sec. 2. Nothing in this act shall be so construed as to interfere with any contract for printing heretofore made by the printing board, and

now in force; but the contractor for the printing of the journals shall have the right to conform the journals of the Seventeenth Legislature to the requirements of section 1 of this act.

Sec. 3. The near approach of the end of the present session of the Legislature, and the great saving of expense that will result from changing the form of the journals as herein provided, creates an imperative public necessity that the constitutional rule requiring this bill to be read on three several days be suspended, and an emergency that this act take effect and be in force from and after its passage, and it is so enacted.

Approved April 4, A. D. 1881.

Takes effect from passage.

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CHAPTER LXXXIX.—An act to amend section 10 of “An act establishing the tenth, twelfth, thirteenth, twenty-eighth, twenty-ninth and thirtieth judicial districts, prescribing the times of holding the district courts therein, and providing for the appointment of district judges for the twenty-eighth, twenty-ninth and thirtieth judicial districts,” approved February 22, A. D. 1879.

Section. 1. Be it enacted by the Legislature of the State of Texas, That section 10 of the above recited act be and the same is hereby amended so as to read as follows:

“Sec. 10. That the district courts in the counties composing the twenty-eighth judicial district shall be holden as follows: In the county of Bosque, on the third Mondays of January and August of each and every year, and may continue in session five weeks; in the county of Hill, on the fifth Monday after the third Mondays in January and August, and may continue in session six weeks; in the county of Johnson, on the eleventh Monday after the third Mondays in January and August, to continue in session until the business is disposed of; provided, that said continuation shall not interfere with the terms of the court in the remaining counties of this district, as herein above provided for.”

Sec. 2. All process heretofore issued or served returnable in any of the counties of said judicial district, as heretofore prescribed by law, shall be considered as returnable at the times herein prescribed; and all such process is hereby legalized and validated, as if the same had been made returnable at the time herein prescribed.

Sec. 3. That all laws and parts of laws in conflict with this act be and the same are hereby repealed, and that this act take effect on and after the fifteenth day of July, A. D. 1881.

Sec. 4. The near approach of the close of the session creates an imperative public necessity that the rule requiring this bill to be read on three several days be suspended, and it is so enacted.

Approved April 4, A. D. 1881.

Takes effect ninety days after adjournment.

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CHAPTER XC.—An act to amend article 690, chapter 3, of the Penal Code of the State of Texas, passed on the 21st day of February, 1879.

Section. 1. Be it enacted by the Legislature of the State of Texas, That article 690, chapter 3, of the Penal Code of the State of Texas be so amended as to hereafter read as follows, to wit:

"Article 690. If any person shall herd any drove of horses, cattle, sheep, goats or hogs, numbering more than twenty-five head, upon any land not his own, and within one-half mile of the residence of any citizen of this State, or if any person shall herd any drove of sheep or goats numbering more than twenty-five, upon any land not his own, whenever the owner, lessee or legal representative of such land shall forbid such herding, and shall fail, neglect or refuse to remove such drove at once upon request of such citizen, owner, lessee or legal representative, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars.

Approved April 4, A. D. 1881.

Takes effect ninety days after adjournment.

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CHAPTER XCI.—An act to validate certain locations and surveys upon lands situated in the counties of Hardeman, Cottle, Archer, Baylor, Wilbarger and Knox.

Section. 1. Be it enacted by the Legislature of the State of Texas, That all locations of valid land certificates, made through the Jack land district surveyor's office, upon vacant lands situated in the counties of Hardeman, Cottle, Archer, Baylor and Knox, and the surveys made by the surveyor of said district, upon locations so made from the twenty-ninth day of April, 1874, until the twenty-ninth day of April, 1875, be and the same are hereby validated.

Sec. 2. That all locations of valid land certificates, made through the Jack land district surveyor's office, upon lands situated in the counties of Hardeman, Cottle, Archer, Baylor and Knox, and the surveys made by the surveyor of said district upon locations so made, from and after the twenty-ninth day of April, 1875, until the twenty-third day of July, 1879, when not in conflict with any prior valid location and survey made within such time, through the Clay land district, be and the same are hereby validated.

Sec. 3. That all surveys in the counties of Hardeman, Cottle, Archer, Baylor, Wilbarger and Knox, made by virtue of genuine and valid certificates, after the sixth day of November, 1866, and prior to April twenty-ninth, 1874, now in the general land office, and not now in conflict with any other survey on file therein, are hereby declared legal and valid, whether made by the surveyor of Jack, Montague or Clay land district.

Sec. 4. When the commissioner of the general land office shall be satisfied as to the location and survey of any valid land certificate, as provided in sections 1 and 2 of this act, he shall, upon the payment of all fees, as now provided by law, issue patents to the parties entitled thereto, as provided by existing laws.

Sec. 5. Every person applying for a patent under this act shall, before patent issues to the same, have his field notes recorded in the surveyor's office that may have jurisdiction over these counties; and provided, that such locations as are referred to in sections 1 and 2 of this act shall not be valid as against the pre-emption claim of any actual settler, made prior to January 1, 1881.

Sec. 6. The importance of the immediate passage of this act, in order that the owners of the lands in such counties may secure patents to their

lands, and that much litigation may be prevented, and the near approach of the close of the present session of the Legislature, creates an emergency and an imperative public necessity; it is therefore enacted that the rule requiring bills to be read on three several days be suspended, and that this act be in force and effect from and after its passage.

Approved April 4, A. D. 1881.

Takes effect ninety days after adjournment.

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**CHAPTER XCII.**—An act to authorize and require the issue of patents to lands situated between the Rio Grande and Nueces rivers, the titles to which have been confirmed under the act of February 11, 1860.

Section. 1. Be it enacted by the Legislature of the State of Texas, That, whereas many suits to confirm land titles for land between the Nueces and Rio Grande rivers were brought within three years from and after the passage of the act of February 11, 1860, and in compliance with the terms thereof, but, owing to the war and other causes, were not finally adjudicated until after such three years had expired; and, whereas, the commissioner of the general land office has refused to issue patents for titles not confirmed within such three years; and, whereas, it is just and equitable that parties who, in good faith and diligence, have attempted to comply with the terms of said act, should receive the full benefit thereof; therefore, the commissioner of the general land office is hereby authorized and required to issue patents to all lands between said rivers, when suits to establish same under said act have been commenced within three years from the passage of same, and when the proper district court has finally confirmed such titles.

Sec. 2. Whereas, several important railroads are surveying lines through the lands involved in this act; and, whereas, it is important that the titles to said lands should be settled at once, in order that the right-of-way may be granted to said railroads; therefore an urgency exists that this act take effect at once, and it is enacted that the same take effect from its passage.

Sec. 3. The near approach of the close of the session creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended.

Approved April 4, A. D. 1881.

Takes effect ninety days after adjournment.

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**CHAPTER XCIII.**—An act to amend chapter 130 of the act of 1879, entitled "an act to amend section 46 of an act to encourage stockraising, and for the protection of stockraisers," approved April 22, 1879.

Section. 1. Be it enacted by the Legislature of the State of Texas, That section 46 of the above entitled act shall hereafter read as follows:

"Section 46. That the counties of Anderson, Angelina, Bowie, Brazos, Burleson, Bastrop, Camp, Cass, Chambers, Cherokee, Collin, Colorado,

Cook, Dallas, Delta, Denton, Ellis, Fannin, Franklin, Freestone, Falls, Galveston, Goliad, Grayson, Gregg, Grimes, Hardin, Harris, Harrison, Henderson, Hill, Hunt, Jasper, Jefferson, Johnson, Kaufman, Lamar, Lee, Leon, Liberty, Milam, Madison, Marion, Montgomery, Morris, Nacogdoches, Newton, Orange, Panola, Parker, Polk, Rains, Red River, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Tarrant, Titus, Trinity, Tyler, Upshur, Van Zandt, Walker, Washington and Wood and Calhoun and Victoria are hereby exempted from the operations of this act, and the provisions of the same shall in no wise relate or apply to the aforesaid counties; provided, that in those counties bordering on the lines of the State, except those bordering on Red River, whether organized or unorganized, the governor shall appoint an inspector whose duty it shall be to inspect under the provisions of this act all stock about to be driven or shipped out of the State, or in any other county exempt from the operations of this act, where there is a depot or place for the shipment of cattle; provided, that such cattle shall not be subject to inspection on board of any railroad, unless the same have been placed on board of such train for the purpose of evading the provisions of this act; and provided, also, that the counties of Limestone, McLennan, Nueces, Bell, Calhoun and Navarro, and Hood, Houston, Somervell, Bosque and Victoria counties shall be exempt from all laws regulating the inspection of hides.

Sec. 2. The great necessity for this law, and the near approach of the end of this session of the Legislature, creates an imperative public necessity and emergency, requiring the constitutional rule that bills be read on three several days in each house be suspended, and the same is therefor suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved April 4, A. D. 1881.

Takes effect ninety days after adjournment.

#### CHAPTER XCIV.—An act to relieve the inhabitants of Cameron county from the payment of the State tax for the year 1880.

Whereas, during the twelfth and thirteenth of August, 1880, the county of Cameron was devastated by a tempest, which greatly damaged the people of that county, destroying their houses, fences, and crops, and thereby limiting their means of payment of the usual taxes; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the inhabitants of Cameron county, Texas, be and they are hereby released from the payment of State taxes for the year 1880, on all improved real estate in said county; provided, that on lands outside of cities and towns only six hundred and forty acres of land, including improvements, in any tract or tracts owned by the same person, shall be exempt under this act; provided, that the collection of taxes on the current rolls of said county be stopped, and the assessment rolls of said county shall be reformed by the assessor of said county, within sixty days from the passage of this act, to conform to the provisions hereof, and that the collector of taxes of said county shall refund to any person the tax collected of him, or such portion thereof as he shall be entitled to, upon the corrected rolls as herein provided; and provided further, that the said assessor and collector shall be entitled to receive their legal fees for ser-

vices under this act, as now provided by law, to be realized from the fund that will remain to the State.

Sec. 2. The end of the session being near, and the tax collector pressing the collection of taxes for 1880, there exists an imperative public necessity and an emergency that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect at once, and it is so enacted.

Approved April 4, A. D. 1881.

Takes effect ninety days after adjournment.

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**CHAPTER XCV.**—An act for the relief of persons whose lands have been rendered for taxation, and also placed upon the unrendered rolls.

Section 1. Be it enacted by the Legislature of the State of Texas, That any person whose land has been rendered for taxation, whether the same was rendered in the name of the real grantee or not, and has also been placed upon the unrendered rolls for the same year, shall be entitled to relief upon complying with the requirements hereinafter indicated.

Sec. 2. If any such lands shall have been sold for the taxes charged upon the unrendered rolls, and bought by the State, the owner thereof, his agent or attorney, shall present to the tax collector of the county in which the land is situated a sworn statement to the effect that the same land has been rendered for taxation, and placed upon the regular assessment rolls for the year mentioned. Said affidavit shall contain an accurate description of the land, and be accompanied with the certificate of the tax assessor that the same is true and correct; and the tax collector shall thereupon present such person with a written statement, officially signed, that said tax has been cancelled, and make a note of the same upon the unrendered rolls; provided, the provisions of this section shall apply to such lands at any time after the collector shall receive the rolls until the same shall have gone into the hands of a private purchaser; and if the owner shall have paid the taxes charged upon the unrendered rolls at any time previous to the passage of this act he shall be entitled to the warrant of the comptroller for the amount so paid, in the same manner as is provided in section 3 of this act, in case of redemption from individual purchasers; provided further, that the tax collector shall make no charge whatever for the duties herein mentioned.

Sec. 3. When the owner of such lands shall have redeemed the same from a private purchaser it shall be the duty of the tax collector to furnish him a certificate to that effect; and upon presentment of said certificate to the comptroller, the comptroller shall issue to him a warrant upon the treasurer of the State for the amount of such tax. This warrant shall be receivable for all taxes to the State. For issuing the certificate provided for in this section the tax collector shall be allowed the sum of fifty cents, to be paid by the applicant.

Sec. 4. Whereas, there are many persons in this State whose lands have been placed upon the unrendered rolls, in consequence of mistakes in the names of original grantees, whereby great inconvenience and expense are entailed upon the people, therefore an imperative public necessity and emergency exist for the suspension of the rules, and that this act take effect and be in force from and after its passage.

Approved April 4, A. D. 1881.

Takes effect from passage.

**CHAPTER XCVI.—An act to amend article 220 of the Criminal Code.**

Section 1. Be it enacted by the Legislature of the State of Texas, That article 220 of the Criminal Code be so amended as hereafter to read as follows, to wit:

"Article 220. If any person shall willfully oppose or resist an officer in executing or attempting to execute any lawful warrant for the arrest of another person in a case of misdemeanor, or in arresting or attempting to arrest any person without a warrant, where the law authorizes or requires the arrest to be made without a warrant, he shall be punished by a fine of not less than twenty-five nor more than five hundred dollars, and if arms be used, by a fine of not less than fifty nor more than one thousand dollars."

Sec. 2. The near approach of the close of this session creates a necessity for the suspension of the constitutional rule requiring this bill to be read on three several days, and the same is therefore suspended.

Approved April 4, A. D. 1881.

Takes effect ninety days after adjournment.

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**CHAPTER XCVII.—An act to authorize the governor, state treasurer, and superintendent of the penitentiary, to contract for conveying convicts from the counties where sentenced to the penitentiaries.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the governor, state treasurer and superintendent of the penitentiaries, be and they are hereby constituted a board hereby authorized to contract for a term not exceeding five years, except as provided in section 11 hereof, with some responsible person, firm or association of persons, upon such terms and conditions as to them may seem best, to receive and safely transport all convicts from the counties where sentenced, or the places where confined after sentence, to the penitentiaries, or to such place as the superintendent of the penitentiaries may direct; provided, the contractor shall not be required to carry any convict to any point at a greater distance than the nearest penitentiary; provided, further, that any contract made under this act before a new leasing of the penitentiaries shall be made to terminate with the present lease, on January 1, 1883.

Sec. 2. At least thirty days before making such contract, the said board shall advertise in one or more newspapers in the State, having a wide circulation, for sealed proposals to so transport convicts, giving notice of the time and place when such proposals will be acted upon, and may require such conditions and guarantees as they deem proper.

Sec. 3. When a contract is made according to the terms of this act, the contractor or contractors shall enter into bond in the sum of twenty thousand dollars, payable to the governor of the State of Texas, and his successors in office, with two or more securities, to be approved by said board, conditioned that said contractor or contractors will faithfully and fully carry out and comply with said contract, and with the requirements imposed by this act.

Sec. 4. The contract herein provided for shall begin and be in operation from the date of the expiration of the present contract for trans-

portation of convicts with Messrs. Cunningham & Ellis; and the governor shall, by proclamation, give notice of the making of such contract, and a copy of such proclamation shall be forwarded by the secretary of state to each sheriff in the State; and each sheriff shall, after the date when such contract takes effect, deliver to the order of the party or parties contracting with the State, all convicts who may be in his custody ready to be sent to the penitentiary, together with the certified copy of the judgment and sentence of the court before which said convict or convicts were tried, convicted and sentenced, taking and filing a receipt therefor.

Sec. 5. Immediately upon the adjournment of the district court in any county, it shall be the duty of the district clerk to notify the contractor or his agent, by letter or otherwise, if there be any person or persons, and how many, convicted in his court ready to be transported to the penitentiary; he shall likewise at the same time notify the superintendent of the penitentiary by registered letter, of the number of convicts ready for transportation, giving name, age, sex, complexion and term of years for which convicted; the same kind of notice shall be given by said district clerk when the case of any convict has been affirmed by the court of appeals so soon as the mandate of said court in said case has been received and filed.

Sec. 6. In all cases where a convict is demanded by a contractor, or by any agent appointed by him, the authority of such person, under the seal of the State, presented to the clerk of the court in which the conviction has been obtained, shall be a sufficient authority for the said clerk to issue his warrant in the name of the State requiring said contractor or his agent to take charge of said convict and deliver him inside the walls of the penitentiaries or to the lessees. The said clerk is required to have the proper commitment papers ready to accompany the convict.

Sec. 7. The said contractor shall be allowed time as follows from the date of the mailing of the notices by the district clerk to the contractor, and superintendent of the penitentiary, in which to call for the convict or convicts, viz: Where the place of confinement of the convict is within fifteen miles of a point having railroad connection with the penitentiary, seven days; where not less than fifteen nor more than sixty miles, ten days; where not less than sixty nor more than one hundred and fifty miles, fifteen days; not less than one hundred and fifty miles, twenty days; and from any point on or near a railroad having connection with the penitentiary, but over four hundred miles distant from it, ten days.

Sec. 8. If after due notice by the clerk of the court, the contractor fails or refuses to call on the sheriff for any convicts within the time specified above, then the sheriff may charge and demand from the contractor or agent three dollars per day for each convict ready to be transported, from the expiration of the time allowed until the said convict is called for, and he may refuse to deliver such convict until the charges hereby allowed are paid.

Sec. 9. If the contractor or his agent fails or refuses to call for any convict or convicts within thirty days after the date of the notice by the district clerk of any county, then the sheriff of said county shall proceed at once to carry said convict or convicts to the penitentiary, for which he shall receive compensation as follows: ten cents per mile for self and each guard going and returning, and ten cents per mile for each convict going, the distance to be computed by the nearest practicable railroad route; provided, that no allowance will be made for a guard for one pris-



oner, nor for more than one guard for a less number than four prisoners, and only one guard for each squad of four prisoners or fractional part thereof; the same to be paid by the contractor, together with other charges for board due upon the delivery of the convict or convicts within the walls of the penitentiary, and should the contractor fail or refuse to pay the sheriff, it shall be the duty of the superintendent of the penitentiary to audit and approve the claim of said sheriff; and of the comptroller, after such approval, to draw his warrant for the amount due, in favor of the sheriff, on the appropriation to carry out the contract; and the same shall be paid out of said appropriation and deducted from the moneys to be paid the contractor for conveying convicts to the penitentiary; provided, that the account of such sheriff shall not be paid by the contractor or approved by the superintendent unless he produces the certificate of the district clerk, and the postmaster of his county, that the notices were given and mailed as required in section five of this act.

Sec. 10. Should the contractor at any time fail to carry out his contract, then the superintendent of the penitentiary shall send for convicts under the provisions of this act until a new contract be made.

Sec. 11. The said board may, if they think the interest of the State demands it, contract with the lessees of the penitentiary in any future contract of lease, and as a part thereof, that they, the lessees, during a part of the entire term of their lease, shall receive and carry the convicts, and the terms, regulations and conditions provided in this act, or other law relating thereto, shall control their rights, duties and liabilities, as though the contract to receive and carry had been made independent of the lease.

Sec. 12. All laws and parts of laws in conflict herewith are hereby repealed; provided, that nothing herein contained shall affect the contract made with Messrs. Cunningham & Ellis for conveyance of convicts to the penitentiary until termination of present contract.

Sec. 13. The near approach of the close of the present session of the Legislature, and the fact that there is no provision made for the transportation of convicts to the penitentiary from where sentenced, creates an emergency and an imperative public necessity that the constitutional rule requiring that all bills be read on three several days be suspended, and said rule is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved April 4, A. D. 1881.

Takes effect from passage.

#### CHAPTER XCVIII.—An act to amend the stock law.

Section 1. Be it enacted by the Legislature of the State of Texas, That whenever there is territory between two sub-divisions of a county which have adopted the stock law, and in such intervening territory there is less than fifty free-holders, an election shall be ordered, on the petition of a majority of the free-holders residing in such intervening territory, and the election shall be held as provided by law in other cases relating to the adoption of the stock law.

Sec. 2. The near approach of the close of this session creates an imperative public necessity, justifying the suspension of the constitutional rule requiring this bill to be read on three several days, and said rule is suspended.

Approved April 4, A. D. 1881.

Takes effect ninety days after adjournment.

**CHAPTER XCIX.**—An act to change the times of holding the district courts in the twenty-ninth judicial district of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That the district courts within and for the twenty-ninth judicial district shall be hereafter held as follows, to wit: In the county of Jack on the second Mondays in March, July and November in each year, and may continue in session two weeks; in the county of Parker on the second Monday after the second Mondays in March, July and November in each year, and may continue in session five weeks; in the county of Tarrant on the seventh Monday after the second Mondays in March, July and November in each year, and may continue in session eight weeks.

Sec. 2. All writs and process of all kinds that have been or may hereafter be issued from the district courts of the counties mentioned in this act which are made returnable under existing laws, shall be and are hereby made returnable to the terms of said courts as established by this act, next succeeding the terms of said courts as heretofore established by law, to which said process were made returnable.

Sec. 3. Whereas, the terms of said district courts as now established by law results in great inconvenience to the people of said district and conflicts with the terms of the district court in adjacent counties; therefore, an imperative public necessity and emergency exist for the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended: that this act shall go into effect from and after the first day of July, 1881.

Approved April 4, A. D. 1881.

Takes effect ninety days after adjournment.

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**CHAPTER C.**—An act to authorize and request the governor to ascertain and file in the war department of the United States, or in such other department as the matter may be referred to, a certified abstract accompanied with proper vouchers and proofs, of the money expended and indebtedness assumed and incurred by the State of Texas in repelling invasions by Mexican and Mexican Indian banditti, and in suppressing Indian hostilities.

Whereas, A bill is now pending before the Congress of the United States, entitled "A bill to authorize the secretary of war to ascertain and report to Congress, the amount of money expended and indebtedness assumed and incurred by the State of Texas in repelling the invasions of Mexican and Mexican Indian banditti, and in suppressing Indian hostilities, being Senate bill No. 1969; and,

Whereas, it is important that the provisions of said bill shall be fully carried out, and the proper steps taken by the State of Texas to lay before the secretary of war the proof of her accounts and claims against the United States for money expended and indebtedness assumed in organizing, arming, equipping, supplying, clothing, subsisting, transporting and paying the volunteer militia and ranger forces of the State, called into service under the laws of the State by the proper authorities, since the twenty-ninth day of December, 1845, excepting the period from

the twenty-eighth day of January, 1861, to the nineteenth day of June, 1865, to aid in repelling invasions of Mexican and Mexican Indian banditti, and in protecting the inhabitants of the State from Indian hostilities within the State and upon the borders thereof; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the governor of the state be, and is hereby authorized and requested to appoint some suitable person to audit the claims and accounts of the State of Texas against the United States for the purposes mentioned, and for all other proper expenses necessarily incurred on account of said forces having been called into service, including the claims assumed or paid by the State of Texas for horses or other property lost by said forces in line of duty; and that the governor cause to be filed in the war department, or in such other department as the matter may be referred to, a certified abstract accompanied with proper vouchers or such other proof as can be procured by the State and required by said department, showing the date and amounts of such accounts, expenditures and indebtedness, and the purposes for which the same was made.

Sec. 2. That the sum of five hundred dollars, or so much thereof as may be necessary, be and is hereby appropriated out of any money in the treasury not heretofore appropriated for other purposes, in order to carry out the object of this act and defray the expenses of auditing said claims.

Sec. 3. That a public necessity and emergency exists for immediate action upon the matter contained in this act, and for the suspension of the constitutional rule requiring this bill to be read on three several days, said rule is therefore hereby suspended, and this act shall take effect and be in force from and after its passage.

Approved April 4, A. D. 1881.

Takes effect ninety days after adjournment.

CHAPTER CI.—An act to amend sections 1 and 4 of an act entitled “an act to regulate the sale of spirituous, vinous or malt liquors or medicated bitters, to fix the rate of occupation taxes upon all persons, firms or associations of persons engaged in the sale of spirituous, vinous or malt liquors or medicated bitters, to define the manner and time of collecting such tax, and affix penalties for failure to pay the same, and to repeal all laws and parts of laws in conflict with the provisions of this act,” approved March 11, 1881.

Section 1. Be it enacted by the Legislature of the State of Texas, That sections one and four of an act to regulate the sale of spirituous, vinous or malt liquors or medicated bitters, to fix the rate of occupation taxes upon all persons, firms or associations of persons engaged in the sale of spirituous, vinous or malt liquors or medicated bitters, to define the manner and time of collecting such tax, and to affix penalties for failure to pay the same, and to repeal all laws and parts of laws in conflict with the provisions of this act, approved March 11, 1881, be and they are hereby so amended as hereafter to read as follows.

“Section 1. Be it enacted by the Legislature of the State of Texas, That hereafter there shall be levied upon and collected from any person, firm or association of persons engaged or engaging in the business of selling spir-

ituous, vinous or malt liquors or medicated bitters, an annual tax upon every such occupation or separate establishment as follows: for selling spirituous, vinous or malt liquors or medicated bitters in quantities less than a quart, three hundred dollars; for selling such liquors or medicated bitters in quantities of one quart and less than five gallons, two hundred dollars; for selling such liquors or medicated bitters in quantities of five gallons or more, three hundred dollars; for selling malt liquors exclusively, an annual tax of fifty dollars; provided, that nothing in this section shall be so construed as to prevent wholesale liquor dealers, or merchants who pay occupation tax as such, from selling unbroken packages containing less than five gallons, without being required to pay an additional tax as quart dealers.

"Sec. 4. That any person, firm or association of persons desiring to engage in the sale of spirituous, vinous or malt liquors or medicated bitters, in quantities less than a quart, shall, before engaging in such occupation, be required to enter into bond with at least two good and lawful sureties, payable to the county judge and his successors in office, and to be approved by him, in the sum of one thousand dollars, conditioned that said person, firm or association of persons so selling spirituous, vinous or malt liquors or medicated bitters in quantities less than a quart, shall keep and orderly house or place for the sale of such liquors, and that he or they will not sell nor knowingly permit to be sold in his or their said place of business, nor give nor permit to be given any spirituous, vinous or malt liquors or medicated bitters to any minor under the age of twenty-one years, or to students of any institution of learning, or to any habitual drunkard, or to any person after being notified in writing by the wife or daughter of the person not to sell to such person, and that he or they will not knowingly permit any games prohibited by the law of this State to be played, dealt or exhibited in or about such place of business, and that he or they will not knowingly permit any minor under the age of twenty-one years to enter upon or remain in such establishment, which said bond may be sued on at the instance of any party aggrieved by the violation of the provisions of said obligation; and said bond shall not be void on first recovery, but may be sued on until the full penal sum named therein shall have been recovered. The provisions of this section shall not be so construed as to repeal or in any manner affect any penal laws now in force concerning the unlawful sales of spirituous, vinous or malt liquors. In addition to civil proceedings for individual injuries brought on said bond, if any person or firm shall violate any of the conditions of the bond herein required, it shall be the duty of the county treasurer and county attorney and the district attorney, or either of them, to institute suit thereupon, in the name of the county judge of the county, for the use and benefit of the county, and the amount of five hundred dollars as a penalty shall be recovered from the principals and sureties, upon proof of a breach of any of the conditions thereof, and whenever the first or subsequent bond required is exhausted by suits at the instance of individuals, or for the use of the county, a new similar bond shall be given and approved, before the dealer shall have the right to further pursue his occupation as a retail liquor dealer, or in case a suit is pending on any such bond, and the county or district attorney shall make and file an affidavit with the clerk of the county court that he believes the bond of the defendant will be exhausted by said suit, said clerk shall notify the liquor dealer thereof, and it shall be the duty of the retail liquor dealer, within twenty days from the time the bond is exhausted, or in the other

event within twenty days from the time the said notice is given to give a new bond similar to the bond first given, to be approved in the same way, and until such new bond is given and approved, where it is required by this act, the retail liquor dealer shall not have the right to further pursue his occupation; and any person who shall pursue his said occupation without giving a new bond, as required by this act, shall be guilty of a misdemeanor, and, on conviction, shall be fined the same amount provided for in cases where no license has been obtained."

Sec. 2. That whereas, great confusion, difficulty and loss may occur from any delay in the final passage of this act, thereby creating an emergency and imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, therefore said rule is hereby suspended, and this act shall take effect and be in force from and after its passage.

Approved April 4, A. D. 1881.

Takes effect from passage.

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CHAPTER CII.—An act to amend chapter 11, title 17, of the Revised Civil Statutes of the State of Texas so that towns and villages may be incorporated for free school purposes only.

Section 1. Be it enacted by the Legislature of the State of Texas, That chapter 11, title 17, of the Revised Statutes of the State of Texas be amended by the addition of the following articles:

"Article 541a. Towns and villages authorized to incorporate under this chapter, or having two hundred inhabitants or over, not desiring to incorporate for municipal purposes, may incorporate for free school purposes only, and when so desiring, an election may be held under the provisions of this title and chapter, and if at said election a majority of the votes cast be in favor of the corporation, it shall be the duty of the county judge to make return thereof and cause a record of the result of such election to be made the same as is provided by articles 512 and 513 of this chapter; upon which entry being made such town or village shall be regarded as duly incorporated for the purpose of establishing and maintaining a free school therein, and shall upon notice to the state board of education by the board of trustees hereinafter provided for, receive such pro rata share of the available school fund as its scholastic population may entitle it to.

"Article 541b. Upon the entry of record, as provided for in the preceding article, it shall be the duty of the county judge to forthwith order an election of five school trustees for such town or village so incorporated for school purposes, who shall be elected in the same manner and at the same time and whose term of office shall be the same as provided in this chapter for the election and term of office of mayor and aldermen.

"Article 541c. The trustees elected in accordance with the preceding article, shall be vested with the full management and control of the free schools of such incorporated town or village, and shall in general be vested with all the powers, rights and duties in regard to the establishment and maintaining of free schools, including the powers and manner of taxation, for free school purposes, that are now conferred by the laws of this State, upon the council or board of aldermen of incorporated cities and towns, as the same is prescribed by title 78, chapter 3, of the Revised Statutes.

"Article 541d. The board of trustees, when elected, shall organize by choosing from their number a president, a secretary, a treasurer, and an assessor and collector of taxes.

"Article 541e. The assessor and collector of taxes shall have the same powers and shall perform the same duties, with reference to the assessment and collection of taxes for free school purposes, that are conferred by this chapter and title upon the marshal of incorporated towns and villages, and he shall receive such compensation for his services as the board of trustees may allow, not to exceed four per cent. of the whole amount of taxes received, and he shall give bond for the faithful discharge of his duties in such amount as may be prescribed by the board of trustees.

"Article 541f. The treasurer shall be required to give bond, payable to the State of Texas, to be approved by the board of trustees, for a sum equal to double the probable amount of taxes assessed, and the pro rata share of the available school fund, conditioned for the faithful discharge of his duties, and the payment of the funds received by him, upon the draft of the president; drawn upon order duly entered, of the board of trustees, and for his services he shall be entitled to retain a commission of one per cent. upon all amounts paid out by him."

Section 2. There being many unincorporated towns and villages in the State that desire to incorporate for free school purposes only, and it being important that such incorporations should be duly organized and ready for taking charge of their schools before the commencement of the next scholastic year, thereby creating an emergency that this act take effect from and after its passage, and it is so enacted; and the near approach of the close of the session of the Legislature and the great amount of business now pending creates an imperative public necessity justifying the suspension of the constitutional rule requiring this bill to be read on three several days, and said rule is suspended.

Approved April 6, A. D. 1881.

Takes effect from passage.

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CHAPTER CIII.—An act to amend articles Nos. 340, 344, 346, 352 and 357 of the Revised Civil Statutes of the State of Texas, relating to cities and towns.

Section 1. Be it enacted by the Legislature of the State of Texas, That articles 340, 344, 346, 352 and 357, title 17, of the Revised Civil Statutes of the State of Texas, relating to cities and towns, be so amended as to hereafter read as follows:

"Article 340. Any city within the limits of this State, containing one thousand inhabitants or over, may accept the provisions of this title in lieu of any existing charter; by a two-thirds vote of the city council of such city, which action by the city council shall be had at a regular meeting thereof and entered upon the journal of their proceedings, and a copy of the same, signed by the mayor and attested by the city clerk or secretary, under the corporate seal, filed and recorded in the office of the clerk of the county court of the county in which such city is situated; and the provisions of this title shall be in force, and all acts theretofore passed, incorporating such city, which may be in force by virtue of any existing charter, shall be repealed from and after the filing of the said

copy of their proceedings as aforesaid. Any city containing one thousand inhabitants or over, may be incorporated as such city in the manner prescribed in chapter 11 of this title relating to towns and villages; provided, that whenever the words town or village are used in said chapter 11, they shall be construed to mean city having one thousand inhabitants or over; and provided, that the application to become incorporated shall be signed by at least fifty residents thereof; and when the entry by the county judge (provided in article 514 of said chapter 11) is made with reference to a city of one thousand inhabitants or over, such city shall be invested with all the rights and powers of such cities conferred by this title."

"Article 344. The municipal government of the city shall consist of a city council composed of the mayor and two aldermen from each ward, a majority of whom shall constitute a quorum for the transaction of business, except at called meetings or meetings for the imposition of taxes, when two-thirds of a full board shall be required, unless herein otherwise specified; provided, that where the city or town shall not be divided into wards, the city council shall be composed of the mayor and five aldermen, and the provisions of this title relating to proceedings in a ward shall apply to the whole city or town. The other officers of the corporation shall be a treasurer, an assessor and collector, a secretary, a city attorney, a marshal and city engineer, and such other officers and agents as the city council may from time to time direct; provided, that the office of treasurer, assessor and collector, city attorney, and city engineer may be dispensed with by an ordinance of the city or town council, and the powers and duties herein prescribed for such officers may be conferred by said council upon other officers. The above named officers shall be elected by the qualified electors of said city, as hereinafter provided for and shall hold their offices for two years and until the election and qualification of their successors.

"Article 346. At the first election under this title there shall be elected by the qualified voters of said city, voting by ballot, a mayor, who shall hold his office for one year from the date of his election, and until his successor shall be elected and qualified; and at said first election under this title there shall be elected by the qualified voters of each ward, respectively, two aldermen, one of whom shall hold his office for one year, and the other for two years from the date of their election; and the term for which each shall hold his office, shall be determined at the first regular meeting after said election by lot; provided, that there shall be one alderman for the long term and one for the short term from each of the wards respectively; and provided further, that at each annual election thereafter there shall be elected one alderman from each ward, who shall hold his office for two years and until his successor is duly elected and qualified; and provided further, that where the city or town shall not be divided into wards, the city council may determine by proper ordinances what number of aldermen shall go out of office in one year, and the mode and manner of deciding which members shall hold for the long term and which for the short term."

"Article 352. In case of a vacancy in any office in the city, except aldermen, by refusing to accept or failure to qualify or by death, resignation or otherwise, the mayor or acting mayor shall fill such vacancy by appointment, to be confirmed by the city council."

"Article 357. The mayor of the city shall be the chief executive officer of said corporation, and shall be vigilant and active at all times in caus-

ing the laws and ordinances for the government of said city to be duly executed and put in force. He shall inspect the conduct of all subordinate officers in the government thereof, and as far as it may be in his power shall cause all negligence, carelessness and positive violations of duty to be prosecuted and punished. He shall have power, whenever in his judgment the good of the city may require it, to summon meetings of the city council, and he shall, from time to time, communicate to that body all such information and recommend all such measures as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort, ornament, and good government of said city. The mayor shall also be the chief judicial magistrate of the city until the election and qualification of recorder as hereinafter provided, and until such election and qualification he shall perform all the duties required of recorder in article 361 of this chapter."

Sec. 2. The passage of this act shall not operate to affect the organization of any city or town already chartered by general or special charter, nor to require any new election of the officers of such chartered cities and towns.

Sec. 3. To render more certain the term of office of mayors of cities and towns of one thousand inhabitants and over, under the general charter law, it is declared that at the first election under the charter the mayor shall be elected for one year, in all subsequent elections he shall be elected for two years.

Sec. 4. Whereas, this session approaches its close and time is wanting within which to consider this bill on three several days in each house and secure its passage by the end of said session; therefore, an imperative public necessity is created for the suspension of the constitutional rule requiring bills to be read on three several days, and it is so enacted.

Approved April 6, A. D. 1881.

Takes effect ninety days after adjournment.

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#### CHAPTER CIV.—An act to authorize counties to fund their bonded indebtedness, and to provide means to pay the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county commissioners' court of any county in this State is hereby authorized and empowered to fund any existing bonded indebtedness and coupons due thereon, made and undertaken by such county by authority of law prior to the eighteenth day of April, A. D. 1876, and for this purpose the said commissioners' courts are hereby authorized and empowered to issue new bonds in denominations of not less than five hundred dollars, with interest coupons payable semi-annually; said new bonds to become due and payable twenty years from the date of their issuance, and to bear interest not exceeding six per cent. per annum, and the said commissioners' courts are further authorized and empowered to levy a tax upon all real and personal property situated in the county, not to exceed fifty cents on the hundred dollars on the assessed value of such property, in any one year, to pay the annual interest, and not less than two per cent. annually of the principal of said bonds, besides the expenses of assessing and collecting the same; and no bonds shall be issued under this act until a levy, as herein provided, shall have been made, and when said levy shall have been so made the same shall continue in force until the



whole amount of the principal and interest of said bonds shall have been fully paid.

Sec. 2. All taxes levied under this act shall be applied solely to the objects for which they were levied, as follows: First—to the payment of the expenses of assessing and collecting the same. Second—to the payment of the annual interest of such bonds, and not less than two per cent. of the principal; and if there be any excess on hand, after making the above payments for the current year, it shall be used in the purchase and cancellation of said bonds.

Sec. 3. All taxes levied under this act shall be assessed and collected by the same officers, whose duty it is to assess and collect the state tax, and they shall receive for their services one-fourth the rates of commission allowed for assessing and collecting the state tax. The said tax shall be assessed and collected in the same manner as the state tax, and the same remedies shall be used to enforce its collection that are provided by law to enforce the collection of the state tax; provided, that all such taxes shall be assessed and collected separately from that levied, assessed and collected for current expenses of municipal government, and shall, when levied, specify in the act of levying the purpose therefor.

Sec. 4. The officer whose duty it is to collect the taxes levied under this act, shall give a bond, with two or more sufficient sureties, to be approved by the county commissioners' court, in a sum to be equal to double the estimated annual amount of said tax, which bond shall be payable to the county and shall be conditioned for the faithful collection and payment of said tax into the county treasury.

Sec. 5. It shall be the duty of the county treasurer to receive all moneys collected under this act and to keep separate accounts thereof, and to pay out the same on warrants drawn by the county judge in the usual legal form.

Sec. 6. The collector of the taxes levied under this act shall pay over to the county treasurer, at the beginning of each and every month, all moneys he may have collected during the next preceding month, deducting his legal commissions on the amount so paid, and he shall, at each regular meeting of the county commissioners' court, make a report of his collections and payments to the county treasurer since the next preceding term.

Sec. 7. Said bonds shall not be sold or exchanged for existing bonds by any county for less than par value and accrued interest.

Sec. 8. All expenses necessary to give effect to the provisions of this act shall be paid out of the treasury of the county; and all bonds issued by any county, under this act, shall be signed by the county judge and attested by the clerk of the commissioners' court, with the seal of said court affixed thereto.

Sec. 9. All laws now in force providing for the levy and collection of taxes for the payment of the principal and interest of any existing bonds, which may be fundable under this act, shall apply and be in force for the levy and collection of taxes or the payment of the principal and interest of all bonds that may be issued under the provisions of this act.

Sec. 10. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 11. Whereas, many counties in this State have debts and bonds falling due; and, whereas, the session is fast drawing to a close: therefore, an imperative public necessity and an emergency exist that the

constitutional rule requiring bills to be read on three several days be suspended and that this act take effect at once, and it is so enacted.

Approved April 6, A. D. 1881.

Takes effect from passage.

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CHAPTER CV.—An act to amend the caption and sections one, two, three, four, five, six, seven, and eight of an act entitled "An act to provide for the sale of alternate sections of lands in organized counties as surveyed by railroad companies and other works of internal improvement and set apart for the benefit of the common school fund; to provide for the investment of the proceeds, and to repeal all laws in conflict therewith," approved July 8, 1879, and to provide for the sale of such lands in unorganized counties.

Section 1. Be it enacted by the Legislature of the State of Texas, That the caption of the above recited act shall hereafter read as follows: "An act to provide for the sale of alternate sections of lands in organized and unorganized counties as surveyed by railroad companies and other works of internal improvement and set apart for the benefit of the common school fund, to provide for the investment of the proceeds, and to repeal all laws in conflict therewith," and that sections one, two, three, four, five, six, seven and eight of chapter twenty-eight of the laws of the special session of the Legislature of the State of Texas, approved July 8, 1879, be amended so as to read as follows:

"Section 1. That all the alternate sections of land in the State of Texas, heretofore surveyed or which may hereafter be surveyed by any railroad company or other work of internal improvement, and set apart for the benefit of common schools, shall be brought into market and disposed of in the manner hereinafter provided.

"Sec. 2. The county surveyor of the county in which said lands are located, or if the county be unorganized the district surveyor in whose district such land is located, shall view and appraise the same under oath, and make return of the same to the county commissioners' court of the county in which his office is kept, which court shall examine, approve or disapprove the same, and may take other evidence to ascertain the true value of the land, and in case of disapproval said court shall fix a value thereto, and the valuation of said land in no case shall be less than two dollars per acre for surveys having fresh water on them or bordering on them, nor less than one dollar per acre for other school lands. The surveyors acting as appraisers of land shall each receive one dollar per section, and in no case to exceed one hundred dollars for the appraisement of all the lands in any one county, to be paid out of the proceeds of the first sale of the land under the provisions of this act. Any persons having improvements upon any of such land prior to the taking effect of this act shall have the preference in the purchase thereof for the period of six months next after the value thereof is fixed, at the valuation exclusive of the value of such improvement; provided, that no appraisement of a surveyor of any section of land situated in an unorganized county shall be regarded until he shall have filed an affidavit stating that he knows the locality of said section, and that he personally inspected the same, stating when said inspection was made.

"Sec. 3. That as soon as the appraisement is completed the county

commissioners' court shall prepare tabulated reports of their action, setting forth the following, to wit: Number of survey, block, quantity in each survey, the name of company or individual to whom the certificate was granted, price per acre of each section, or quarter thereof, if difference exists, value of improvements, remarks giving general description of soil, water and timber. One copy of the above report shall be filed in the office of the county or district surveyor, and shall constitute an archive of his office; one copy shall be forwarded to the commissioner of the general land office, and one copy to the treasurer of the state.

"Sec. 4. That upon the receipt of the above report by the commissioner of the general land office, he shall examine the same, and if made in conformity with this act, and if in his opinion the lands therein are properly valued he shall approve the same, and shall notify the county or district surveyor of the fact, and until he receives such notice the surveyor shall not entertain any proposition for the purchase of the said land; provided, that if the commissioner of the general land office believes or has reason to believe that the land is valued too low, or that the proper description has not been given of the soil, timber or water, or that the land has increased in value since appraisement, he may, and it shall be his duty to require a supplemental report containing additional information, or he may send some one from his office; or, if none of his employees can be spared or are not qualified for the service, he may appoint some suitable person to visit such county concerning which the report is unsatisfactory, who shall make a report such as is required by the county commissioners' court, for which he, the person sent, if not a regular employe, shall be paid a salary for the time employed not greater than that of the chief clerk of the land office. From the information acquired from every source, the said commissioner of the general land office shall correct the report transmitted by the county commissioners' court, and forward a copy of such corrected tabulated report to the county or district surveyor of the proper county, to be by him kept as an archive of his office, and forward a duplicate copy to the treasurer of the state and retain a copy in the general land office as an archive.

"Sec. 5. That so soon as the surveyor shall receive the notice provided for in section four of this act, he shall be authorized to receive applications for the purchase of said land in any quantity not less than one hundred and sixty acres, except fractions of less than one hundred and sixty acres that may now exist in said counties; provided, that no person or corporation shall be allowed to purchase more than one section of six hundred and forty acres of said land when the same is classed as arable land suitable for farming purposes; but when the same is classed as land suitable only for grazing purposes it shall be sold in quantities to suit the purchaser, but no person shall be permitted to purchase less than one hundred and sixty acres, nor more than three sections of six hundred and forty acres within five miles of the geographical centre of any county or upon any water front, nor more than seven sections at any other place.

"Sec. 6. That any person desiring to purchase any of the above lands shall make application in writing to the county or district surveyor, designating the number of the survey, block, name of company or individual to whom was issued the certificate by virtue of which such survey was made; the quantity he or she wishes to purchase, and if less than a whole section, the particular part of such section; provided, that no fraction of any section of less than one hundred and sixty acres shall be

left by any such selection, and that no fractional section of less than three hundred and twenty acres shall be divided. The surveyor shall be entitled to a fee of one dollar for each application to be paid by the applicant, and he shall, upon payment of said fee, record said application in a well bound book to be kept by him for that purpose; he shall endorse such application "recorded," giving the date, page and volume of the record, and sign his name thereto, and deliver said application to the proposed purchaser.

"Sec. 7. That the purchaser shall immediately forward to the state treasurer the above application, together with one-twentieth of the appraised value of the land thereon designated, and if the land is chiefly valuable for timber he shall forward the whole of the appraised value. The treasurer shall enter a credit on his books in the name of the purchaser for the amount so received, giving such description of the land as will identify the same; he shall then issue his receipt for said amount and forward it with the above-named application to the commissioner of the general land office, who shall file said application and receipt in his office and issue his certificate in lieu thereof, setting forth the amount paid to the treasurer and the quantity and valuation of the land applied for, which certificate shall authorize the county or district surveyor to survey the land embraced in the original application and enter the same on his books as sold, and shall not entertain another application to purchase said lands until notified of the forfeiture as hereinafter specified; provided, should the applicant fail to make his first payment of one-twentieth, or the whole as the case may be, of the appraised value of the land embraced in his application to the treasurer and present, the certificate of the commissioner of the general land office to the surveyor or his deputy within ninety days from the date of the record of his application, then and in that case the said land shall be again for sale and the surveyor shall be authorized to receive applications for the same; provided, that no person shall renew his file nor file on the same land more than once in twelve months, nor shall any person refile or renew his file in the name of any other person. All applications for the purchase of said lands shall be made in the real name of the person intending to be the actual purchaser thereof.

"Sec. 8. That so soon as the application above-named has been received by the surveyor, the applicant shall execute his obligation or promissory note for the balance of the appraised value of the land he desires to purchase, agreeing and stipulating to pay to the governor of the State of Texas and his successors in office, on the first day of January of each year, one-twentieth of the amount of his obligation or promissory note, with eight per cent. interest on such amount of the principal as may be due at the date of each payment, giving in said obligation such description of the land purchased as is contained in his application; provided, that the purchaser may have the privilege of paying the entire amount of the appraised value of said land at the date of purchase, or such amount of principal and interest as may be due at any time subsequent to the execution of his obligation or promissory note; provided, that any payment of principal may be deferred for one or more years, except the first one-twentieth, but all payments of both principal and interest must be paid inside of twenty years, and all interest must be paid annually on or before the first day of March of each year. When any land sold under the provisions of this act shall be timbered land, no person shall have the

right to cut and remove any of the timber therefrom until the purchase money has been paid in full."

Sec. 2. Whereas, no law is now in force for the disposition of the lands in unorganized counties as contemplated by this act; and whereas, the present session is near its close, therefore an emergency exists and an imperative public necessity is created, that the rule requiring bills to be read on three several days be suspended, that this act take effect from and after its passage, and it is so enacted.

Approved April 6, A. D. 1881.

Takes effect from passage.

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CHAPTER CVI.—An act granting to persons who have been permanently disabled by reason of wounds received while in the service of this State, or of the Confederate States, a land certificate for twelve hundred and eighty acres of land.

Section 1. Be it enacted by the Legislature of the State of Texas, That all persons who are now bona fide residents of this State, and who were resident citizens of this State, and as such citizens enlisted in the military service of this State or of the Confederate States in the late war between the States of the United States, as soldiers or as servants attending such soldiers, and while engaged in such military service, by reason of wounds received while in actual service, are permanently disabled, so as to seriously impair their ability to perform bodily labor, or earn a living for themselves and families, and the widows of soldiers who were residents as aforesaid and enlisted in the service as aforesaid, who died or were killed in actual service under such enlistment, who have remained widows and are now citizens of this State, and who show that they have not property of the value of one thousand dollars, are hereby declared to be entitled to a land certificate for twelve hundred and eighty acres of land; provided, no person shall be entitled to the benefit of this act unless they show that they have not property of the value of one thousand dollars.

Sec. 2. Any person desiring to obtain the benefit of this act shall prove to the satisfaction of the commissioners' court of the county of his residence, by at least two credible persons, that he is entitled to said land certificate under the provisions of this act, and upon the certificate of said commissioners' court under its seal that said applicant is entitled to said land certificate, the commissioner of the general land office is authorized and required to issue to said person a certificate for twelve hundred and eighty acres of land.

Sec. 3. The certificate granted under the provisions of this act shall be located as follows: The locator shall also locate a like amount of land for the benefit of the permanent school fund before either shall be patented, and such locations shall be made on any of the public domain of Texas not reserved by law from location.

Sec. 4. The rapid diminution of the public domain, and the indigent circumstances of many who will be benefited by the passage of this bill creates an imperative public necessity and emergency that the rule requiring this bill to be read on three several days be suspended, and that this bill go into effect and be in force from and after its passage, and it is so enacted.

Approved April 9, A. D. 1881.

Takes effect ninety days after adjournment.

**CHAPTER CVII.**—An act prescribing the time of holding the district courts of the twenty-third district.

Section 1. Be it enacted by the Legislature of the State of Texas, That the district courts of the twenty-third judicial district shall be held as hereinafter specified, to-wit: In the county of Refugio, on the first Mondays in March and September, and may continue in session two weeks; in the county of Aransas, on the second Monday after the first Mondays in March and September, and may continue in session one week; in the county of Bee, on the third Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of Karnes, on the fifth Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of Goliad on the seventh Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of Calhoun, on the ninth Monday after the first Mondays in March and September, and may continue in session one week; in the county of Victoria, on the tenth Monday after the first Mondays in March and September, and may continue in session three weeks; in the county of De Witt, on the thirteenth Monday after the first Mondays in March and September, and may continue in session until the business is disposed of.

Sec. 2. That all writs and process returnable to any of the courts of the twenty-third judicial district as now provided by law, shall, after this act takes effect, be returnable to the terms of said court as herein fixed, and shall be as valid and binding as if made returnable thereto; that the near approach of the close of the session creates an imperative public necessity that the constitutional rule requiring this bill to be read on three several days be suspended, and it is so enacted.

Approved April 5, A. D. 1881.

Takes effect ninety days after adjournment.



## JOINT RESOLUTIONS.

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No. 1.—Concurrent resolution allowing room in capitol building for Western Union Telegraph office.

Whereas, The location of a branch office of the Western Union Telegraph company in some portion of the capitol building will be a convenience to members during the Legislature; and whereas, said company are prepared to extend their line from their office in town to the capitol building as soon as space enough in said building is granted for office room; therefore be it

Resolved by the Senate, the House of Representatives concurring, That sufficient space, say six by eight feet, be allowed the Western Union Telegraph company for the establishment of a branch office in some comfortable part of the capitol building, said privilege to expire with this session of the Legislature. The character of the privilege to be conferred by this resolution is such that there is an imperative necessity that the constitutional rule requiring it to be read on three several days be suspended, and creating an emergency requiring that it take effect from and after its passage, and it is so enacted.

Approved January 17, A. D. 1881.

Takes effect from passage.

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No. 2.—Joint resolution regarding the port of Galveston.

Whereas, the State of Texas, and the States and Territories north and west of it, comprise a vast extent of country possessing great and varied resources which are being developed by a rapidly increasing population, whose immense grain, cotton, and other productions, require cheap and adequate freight communication with the markets of the world, which can not be afforded by long and expensive land carriage, the most important interests of producers and consumers demanding a near outlet to water transportation;

And, whereas, the port of Galveston is the nearest practicable port for said region, to the markets of South America, Mexico, Europe, and the Atlantic coast, only requiring, in order to furnish accommodations for all present and future commerce of those States, that its bar be deepened so as to admit vessels drawing over thirteen (13) feet of water;

And, whereas, commercial justice requires that the Federal government should afford proper facilities for the protection and development of the



commerce of the south and west, as well as cultivate trade relations with Mexico and South America;

And, whereas, the improvement of Galveston harbor is a matter of national importance, which fact is being realized, as in part appears from a bill recently introduced in Congress by Mr. M. Price, of Iowa, and Mr. Thomas Ryan, of Kansas, setting forth the necessities for the work and providing for an appropriation of (\$1,000,000) one million dollars to be used in deepening the channel over the bar into the harbor of Galveston for admission of ocean steamers drawing twenty-six feet of water, which action is appreciated by the people of Texas; therefore,

Section 1. Be it resolved by the Legislature of the State of Texas, That our senators be instructed and our representatives in Congress be requested to urge by all proper exertions the early passage of said bill, and such other measures having the like object in view, which they may deem expedient, in addition to the current appropriations which their earnest efforts have already secured for that purpose.

Sec. 2. Be it further resolved, That the Legislatures of Kansas, Missouri, Nebraska, Colorado, New Mexico, Arizona, Arkansas, Iowa, and all others that are interested, be and are hereby requested to take into consideration the same subject, and take appropriate action for the advancement of their agricultural and commercial interests, by aiding in the accomplishment of this work, by memorializing Congress, and by such other means as they may think advisable.

Sec. 3. Be it further resolved, That the governor of Texas be requested to transmit copies of these resolutions to the governors and Legislatures of the States named, and ask their co-operation, and also to transmit copies hereof to our senators and representatives in Congress.

Sec. 4. The fact that the Legislatures of several of the States mentioned in this resolution are in session, and the Congress of the United States is in session, and is soon to adjourn, and to be effective this resolution should reach said several legislative bodies speedily, creates a public necessity for the suspension of the rule requiring bills to be read on three several days, and creates an emergency that this resolution should take effect from and after its passage, and it is so enacted.

Approved January 24, 1881.

Takes effect from passage.

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No. 3.—Joint resolution granting leave of absence to the Hon. Jo. Abbott, judge of the twenty-eighth judicial district.

Section 1. Be it resolved by the Legislature of the State of Texas, That the Hon. Jo. Abbott, judge of the twenty-eighth judicial district, is hereby granted leave of absence from the State of Texas for the period of three successive months, to begin the first day of July, A. D. 1881.

Approved February 9, A. D. 1881.

Takes effect ninety days after adjournment.

No. 4.—Joint Resolution instructing our senators and requesting our representatives in Congress to use their endeavors to procure substantial and suitable appropriations for the attainment of a large draft of water on the bars of Brazos de Santiago, Aransas, Sabine Pass, Pass Cavallo and the mouth of Brazos and Buffalo Bayou, in the State of Texas.

Section 1. Resolved by the Legislature of the State of Texas, the House of Representatives concurring, That our senators in Congress be instructed, and our representatives be requested to use their endeavors to procure substantial and suitable appropriations for the attainment of a large draft of water on the bar of Brazos de Santiago in the State of Texas, in order to meet the growing demands of commerce naturally tributary to this important port.

Sec. 2. Be it further resolved, that similar action be asked for the bar at Aransas Pass, Sabine Pass, Pass Cavallo, and the mouth of Brazos and Buffalo Bayou in said State.

Sec. 3. Be it further resolved, that immediately upon the passage of these resolutions, the secretary of state be, and he is hereby directed to furnish each of our senators and representatives in Congress with certified copies of the same.

Sec. 4. Be it further resolved, that the short period now remaining before the expiration of the present Congress creates a necessity for suspending the rule which requires all bills to be read on three different days in each house, and such rule is accordingly suspended, and that these resolutions take effect and be in force from and after their passage.

Approved February 12, A. D. 1881.

Takes effect from passage.

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No. 5.—Joint resolution authorizing the governor to employ a suitable and competent architect or architects to assist the board of commissioners appointed to superintend the construction of a new capitol, and to provide for the payment of his services.

Whereas, The commissioners heretofore appointed by the governor to make a selection of a plan for the erection of a new capitol, have advertised for plans and specifications for the construction of such building, and have a number of such plans now before them, and inasmuch as it is a question of great delicacy and necessarily involves great responsibility, to the end that satisfaction may be assured in their final determination and in accordance with the recommendation of his excellency the governor and the request of the two building commissioners and the superintending architect, that a skilled and impartial architect be employed to assist in the examination and selection of plans which shall be subject to the approval of the governor and heads of departments; therefore,

Section 1. Be it resolved by the Legislature of the State of Texas, That the governor is hereby authorized to select and employ some skillful and impartial architect or architects to aid, with his advice and assistance, the board heretofore appointed to superintend the construction of the new capitol, in the adoption of plans for the erection of such build-

ing, the selection of proper building material and all other matters connected with the adoption of such plans.

Sec. 2. That the sum of two thousand dollars, or so much thereof as may be necessary, from the proceeds of the fifty thousand acres of land set aside to survey lands for the erection of a new capitol, to be paid under the direction of the governor, be and is hereby appropriated to carry out the objects of section 1 hereof.

Sec. 3. Whereas, it is necessary, to hasten the building of the state capitol, that this resolution should take effect from and after its passage, therefore an emergency exists and an imperative public necessity demands the suspension of the constitutional rule which requires a bill to be read on three several days, therefore that the rule be suspended and that bill take effect and be in force from and after its passage.

Approved February 15, A. D. 1881.

Takes effect from passage.

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No. 6.—Joint Resolution proposing an amendment to sections 2, 3, 5, 6, 8 and 17, article 5, of the constitution of the State of Texas.

Section 1. Be it resolved by the Legislature of the State of Texas, That sections 2, 3, 5, 6, 8 and 17, article 5, of the constitution of the State of Texas shall be so amended as to read as follows:

#### Article V.—Judiciary.

Sec. 2. The supreme court shall consist of a chief justice and six associate justices, four of whom shall constitute a quorum of the whole. A quorum being present, they may organize two divisions, each to consist of three judges, the chief justice to co-operate with either section. Two judges of a division shall constitute a quorum. One of the members in either division dissenting may refer any question in a case, or the whole cause, to all the members of the court, when a decision shall be made by a majority of a quorum of the whole, that may be present. No justice shall be permanently assigned to any division, but the justices may alternate under such rules as the court may prescribe. The judges of the supreme court, in office at the time of the adoption of this article, and four judges to be appointed by the governor, shall compose the supreme court, until the next general election; and the chief justice of the present supreme court shall be chief justice of the supreme court created by this article, until the next general election, at which election there shall be elected seven justices, whose term of office shall be six years, and who shall select a chief justice from among their number, who shall hold his office for two years, or until otherwise ordered by the court. The justices of the supreme court shall be elected by the qualified voters of the State at a general election for State or county officers. They each shall be a qualified voter, and shall have arrived at the age of thirty years, and shall have been a practising lawyer, or a judge of a district court in this State, or such judge and lawyer together, at least seven years at the time of their election. They shall hold their office for the term of six years, and each of them shall receive an annual salary of not less than three thousand six hundred dollars, which shall not be increased or diminished during his term of office. In case of a vacancy in the office of chief justice or associate justice of the supreme court, the governor shall fill

the vacancy by appointment until a successor be elected at the next general election for State or county officers, and the justices so elected shall hold such offices for the unexpired term.

Sec. 3. The supreme court shall have appellate jurisdiction only except as herein specified, which shall be co-extensive with the limits of the State. Its appellate jurisdiction shall extend to all civil cases of which the district or county court has original or appellate jurisdiction, and of such other cases as may be prescribed by law; but in appeals from interlocutory judgments, with such exceptions and under such regulations as the Legislature may prescribe. The supreme court and the justices thereof shall have power to issue the writ of habeas corpus, as may be prescribed by law, and under such regulations as may be prescribed by law the said court and the justices thereof may issue the writs of mandamus, procedendo, certiorari and such other writs as may be necessary to enforce its jurisdiction. The Legislature may confer original jurisdiction on the supreme court to issue writs of quo warranto and mandamus in classes of cases specified by it, except as against the governor of the State. The supreme court shall also have power, upon affidavits or otherwise, as by the court may be thought proper, to ascertain such matters of fact as may be necessary to the proper exercise of its jurisdiction. The supreme court shall sit for the transaction of business from the first Monday in October in each year until the last Saturday in June of the next year, at the capital and two other places, or at the capital only, if the Legislature shall hereafter so provide.

Sec. 5. The court of appeals shall consist of three judges, any two of whom shall constitute a quorum, and the concurrence of two judges shall be necessary to a decision of said court. They shall be elected by the qualified voters of the State at a general election. They each shall be a qualified voter, and shall have arrived at the age of thirty years, and shall have been a practising lawyer or judge of a district court in this State, or such lawyer and judge together at least seven years at the time of their election. They shall hold their office for the term of six years, and each of them shall receive an annual salary of not less than three thousand six hundred dollars, which shall not be increased or diminished during his term of office. In case of a vacancy in the office of judge of the court of appeals, the governor shall fill the vacancy by appointment until a successor be elected at the next general election, and the judge or judges so elected shall hold office for the unexpired term.

Sec. 6. The court of appeals shall have appellate jurisdiction co-extensive with the limits of the State in all criminal cases of whatever grade. The court of appeals and the judges thereof shall have power to issue the writ of habeas corpus, and under such regulations as may be prescribed by law, issue such writs as may be necessary to enforce its own jurisdiction. The court of appeals shall have power, upon affidavits or otherwise as by the court may be thought proper, to ascertain such matters of fact as may be necessary to the exercise of its jurisdiction. The court of appeals shall sit for the transaction of business from the first Monday in October of each year until the last Saturday in June of the next year, at the capital, and at two other places, or at the capital only, if the Legislature shall hereafter so provide.

Sec. 8. The district court shall have original jurisdiction in all criminal cases of the grade of felony; of all suits in behalf of the State to recover penalties, forfeitures and escheats; of all cases of divorce; of all

misdeemeanors involving official misconduct; of all suits to recover damages for slander or defamation of character; of all suits for trial of title to land, and for the enforcement of liens thereon; of all suits for the trial of the right of property levied upon by virtue of any writ of execution, sequestration or attachment issuing out of said court without regard to value; of all suits, complaints or pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at or amount to five hundred dollars exclusive of interest; of contested elections; and said court and the judges thereof shall have power to issue writs of habeas corpus, mandamus, injunctions and certiorari; and all writs necessary to enforce their jurisdiction. The district court shall have appellate jurisdiction and general control, in probate matters, over the county court established in each county, for appointing guardians, granting letters testamentary and of administration, probating wills, for settling the accounts of executors, administrators and guardians, and for the transaction of all business appertaining to estates, and original jurisdiction and general control over executors, administrators, guardians and minors, under such regulations as may be prescribed by law. The district court shall have appellate jurisdiction and general supervisory control over the county commissioners' courts, and shall have general original jurisdiction over all causes of action whatever, for which a remedy or jurisdiction is not provided by law or this constitution. All cases pending in the court of appeals, of which the supreme court has appellate jurisdiction, under the provisions of this article, shall be certified and the records transmitted to the supreme court, and shall be decided by the supreme court as if the same had been originally appealed to such court.

Sec. 17. The county court shall hold at least four terms, for both civil and criminal business, annually, as may be provided by law, and such other terms each year as may be fixed by the county commissioners' court of each county, or as may be provided by law; provided, the county commissioners' court of any county, having fixed the times and number of terms of the county court, shall not change the same again before the expiration of one year. Said county court may dispose of probate matters either in term time or vacation. Prosecution may be commenced in said court in such manner as is now or may be provided by law, and a jury therein shall consist of six men under such regulations as the Legislature may prescribe.

Be it further resolved, That the governor be and he is hereby required to issue his proclamation, directing an election to be held throughout the State on the first Tuesday in September, A. D. 1881, for the purpose of submitting the foregoing amendments to the qualified voters of the State, and to cause to be published, once a week for four weeks, at least three months prior to said election, the above proposed amendments in one weekly newspaper of each county in the State, in which a newspaper may be published, and he shall direct said election to be held in accordance with the law regulating general elections. Upon the receipt of the proclamation of the governor, the county judge shall proceed to issue his writs of election, appointing judges of election in accordance with the election law. Those desiring to vote for the amendment shall have written or printed upon their tickets: "For amendment to article five." Those desiring to vote against the amendment shall have written or printed upon their tickets: "Against amendment to article five." Immediately after the election the officers of each precinct shall for-

ward to the county judge of their county a duplicate return showing the number of votes cast for or against the amendment, and on the tenth day thereafter the county judge shall open and count said returns, and forthwith forward to the secretary of state, in a sealed package, a tabulated statement thereof, showing the total number of votes cast in the county for or against the amendment, and on the fortieth day after said election the secretary of state shall, in the presence of the governor and attorney general, open and count said returns; and if it shall appear from the returns that a majority of the votes were cast for said amendment, it shall be the duty of the governor on the following day to issue his proclamation setting forth the fact that said amendment has received a majority of the votes cast at said election, and shall proclaim that said amendment has become and is a part of the State constitution, and this amendment shall take effect from and after said proclamation.

Passed March 14, 1881, by vote of two-thirds of all the members elected to each house.

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No. 7.—Joint Resolution granting the Hon. G. B. Gerald, judge of the county court of McLennan county, sixty days leave of absence from the State.

Section 1. Be it resolved by the Legislature of the State of Texas, That a leave of absence from the State for a period of sixty days during the year A. D. 1881, be and is hereby granted to Hon. G. B. Gerald, judge of the county court of McLennan county, said leave to be taken between June the tenth and September the first, as best suitable to the duties of his office.

Sec. 2. Whereas, important matters call the Hon. G. B. Gerald from our State during the year A. D. 1881, and as the end of this session of the Legislature is near at hand, therefore an emergency exists and an imperative public necessity demands that the constitutional rule requiring a bill to be read on three several days be suspended and that this resolution take effect and be in force from and after its passage.

Approved March 17, A. D. 1881.

Takes effect ninety days after adjournment.

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No. 8.—Joint Resolution amending section 24 of article 3 of the constitution of the State of Texas.

Section 1. Be it resolved by the Legislature of the State of Texas, That section twenty-four (24) of article 3 of the constitution of the State of Texas be so amended as to hereafter read as follows (viz):

"Section 24. The members of the Legislature shall receive from the public treasury such compensation for their services, as may from time to time, be provided by law, not exceeding five dollars per day. In addition to the per diem, the members of each House shall be entitled to mileage in going to and returning from the seat of government, which mileage shall not exceed five (\$5.00) dollars for every twenty-five miles, the distance to be computed by the nearest and most direct route of travel by land, regardless of railways or water routes; and the comptroller of the state shall prepare and preserve a table of distances to each county seat, now

or hereafter to be established, and by such table the mileage of each member shall be paid; but no member shall be entitled to mileage for any extra session that may be called within one day after the adjournment of a regular or a called session; provided, the regular session of the Legislature shall not continue longer than one hundred days."

And be it further resolved, That the governor be requested to submit to the vote of the electors of the State, the foregoing proposed amendment to the constitution, at an election to be ordered on the first Tuesday in September, A. D. 1881, in accordance with the provisions of article 17 of the State constitution.

Passed March 22, 1881, by vote of two-thirds of all the members elected to each house.

**No. 9.—Joint Resolution making an appropriation for the settlement of Thomas Toby claim.**

Whereas, It has been satisfactorily established that the late Republic of Texas was indebted to Thomas Toby, deceased, late of New Orleans, in a large sum of money for advances made and supplies furnished and services rendered between the 24th day of May, 1836, and April 1, 1838, to aid and sustain her in her struggle for independence, which remains unpaid; and whereas, there is a balance now of \$101,113 27 in the United States treasury belonging to the Texas debt fund applicable to the payment of all revolutionary claims of which this is one; therefore

Section 1. Be it resolved by the Legislature of the State of Texas, That the sum of \$45,000 be and the same is hereby acknowledged and validated as a just debt against the reserved fund held by the government of the United States for the payment of the debt of the late Republic of Texas; and our representatives in Congress are hereby respectfully requested by bill or otherwise to move Congress to make an appropriation out of said reserve fund for the full payment of this claim, and that on such appropriation by Congress the heirs of Thomas Toby, deceased, are hereby authorized and empowered to apply for and receive from the proper authorities of the United States, the said sum of \$45,000 in full, without scale or abatement.

Sec. 2. That Texas will not regard the payment of said claim as a credit on the amount now owing to the State of Texas by the United States, unless the heirs of Thomas Toby shall first, before memorializing Congress or applying to any department of the general government for payment of said claim, file in the office of the treasury of the State of Texas, a full release of all claims against the State of Texas (which may remain unsatisfied by the United States out of money due Texas and reserved by the United States.)

Approved March 30, A. D. 1881.

Takes effect ninety days after adjournment.

**No. 10.—Joint Resolution expressing sympathy for the people of Ireland in their struggle against the oppressive system of British land lordism.**

Section 1. Whereas, the people of Texas have ever been the friends of a people struggling against oppression of any form; and,

Whereas, the representatives of the people in the Legislature assem-

bled, viewing with deep concern the contest now going on, in which the laboring and poor classes of Ireland seek to free themselves from the oppression of a vicious system of landlordism, deem it proper that expression should be given to the feelings and sentiment of the people of Texas in behalf of the oppressed;

Sec. 2. Therefore, be it resolved by the Legislature of the State of Texas, That in the present struggle the people of Ireland are entitled to the sympathies of all civilized and liberty-loving nations; that they have the earnest sympathy of the people of Texas, whose liberties were born of revolution, and the Legislature sincerely hopes that the efforts now being made will speedily result in such reform in the existing land system of Ireland, as shall secure to the people of that country that relief to which in justice and common humanity they are entitled.

Passed March 26, 1881.

Takes effect ninety days after adjournment.

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No. 11.—Joint resolution instructing our senators and requesting our representatives in Congress to procure the passage of a joint resolution by the Congress of the United States, authorizing the secretary of war to loan to the adjutant general of the State of Texas, on his requisition, such camp and garrison equipage as may be needed by the State troops of Texas at their annual encampment.

Section 1. Be it resolved by the Legislature of the State of Texas, That our senators are hereby instructed, and our representatives in Congress are hereby requested, to endeavor to procure the passage by the Congress of the United States of a joint resolution, authorizing the secretary of war to loan to the adjutant general of this State, on his requisition, such camp and garrison equipage as may be needed by the State troops of Texas at their annual encampment.

Sec. 2. That a copy of this joint resolution be forwarded under the signature of the president of the Senate and the speaker of the House, to each of our senators and representatives in Congress.

Passed March 29, 1881.

Takes effect ninety days after adjournment.

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No. 12.—Joint Resolution granting W. E. Collard, judge of the ninth judicial district of the State of Texas, T. L. Nugent, judge of the thirtieth judicial district of the State of Texas, R. C. Beale, county judge of Navarro county, D. C. Barmore, county judge of Brazos county, and W. S. Moore, county judge of Lamar county, permission to absent themselves from the State at the times hereinafter named.

Section 1. Be it resolved by the Legislature of the State of Texas, That the Hon. W. E. Collard, district judge of the ninth judicial district of the State of Texas, and Hon. T. L. Nugent, judge of the thirtieth judicial district of the State of Texas; R. C. Beale, county judge of Navarro county; D. C. Barmore, county judge of Brazos county, and W. S. Moore, county judge of Lamar county, be and they are hereby excused from the performance of the duties of said offices, and are authorized to absent themselves from the State of Texas, as follows: Hon. W. E. Collard, judge of the ninth judicial district, for the months of July and



August, A. D. 1881, and Hon. T. L. Nugent, judge of the thirtieth judicial district, for two months during his vacation in the year A. D. 1882; Hon. R. C. Beale, county judge of Navarro county, for thirty days at any time during the year 1881; Hon. D. C. Barmore, county judge of Brazos county, for the months of June and July, 1881; Hon. W. S. Moore, county judge of Lamar county, during the months of July and August, A. D. 1881.

Sec. 2. The near approach of the close of the session of the Legislature creates an imperative public necessity that the rule requiring bills and resolutions to be read on three several days in each house prior to its passage, be suspended as to this resolution; and it is so enacted.

Sec. 3. That the parties herein named shall have the advantages contemplated by this act, this act should take effect at once; therefore an emergency exists that this act should take effect from and after its passage, and it is so enacted.

Approved March 30, A. D. 1881.

Takes effect ninety days after adjournment.

No. 13.—Joint Resolution appropriating five thousand dollars for per diem and contingent expenses of the Seventeenth Legislature.

Sec. 1. Resolved by the Senate and House of Representatives of the State of Texas, That the sum of five thousand dollars or as much thereof as may be needed, be appropriated out of any money in the treasury not otherwise appropriated, to pay the per diem of the officers and members of the Legislature, and the contingent expenses of the Legislature.

Sec. 2. The near approach of the end of the session creates an emergency and an imperative necessity for a suspension of rules, and that this bill take effect and be in force from and after its passage, and it is so enacted.

Approved April 1, A. D. 1881.

Takes effect from passage.

THE STATE OF TEXAS, }  
DEPARTMENT OF STATE. }

I, T. H. Bowman, Secretary of State of the State of Texas, do hereby certify that I have compared the foregoing laws and joint resolutions, passed by the Seventeenth Legislature, with the originals now on file in this department, and that they are true copies thereof. I further certify that the Seventeenth Legislature of the State of Texas convened at the city of Austin on the eleventh day of January, A. D. 1881, and adjourned on the first day of April, A. D. 1881.

[L. s.] In testimony whereof, I hereunto sign my name and affix the seal of the State of Texas, at the city of Austin, on this the thirteenth day of May, A. D. 1881.

T. H. BOWMAN,  
Secretary of State.

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**SPECIAL LAWS**

**OF**

**THE STATE OF TEXAS**

**PASSED AT THE**

**REGULAR SESSION OF THE SEVENTEENTH LEGISLATURE**

**CONVENED**

**AT THE CITY OF AUSTIN**

**JANUARY 11, 1881, AND ADJOURNED APRIL 1, 1881.**

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**BY AUTHORITY.**

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**GALVESTON**  
**1881**



# SPECIAL LAWS.

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**CHAPTER I.**—An act to authorize and require the commissioner of the general land office to issue a certificate for one league of land to the heirs of Moses Herrin.

Whereas, Moses Herrin emigrated to the Republic of Texas prior to May 2, 1835, was a married man and resided in Texas from the time of his said immigration until his death, about the year 1846; and,

Whereas, said Moses Herrin received from the government of Coahuila and Texas a grant of one league of land situated in Limestone county; also a certificate from the Republic of Texas for one labor of land; and,

Whereas, said grant of one league of land was and is covered by an older grant in the name of Andres Varela, and was for that reason wholly lost to said Herrin and his heirs; and,

Whereas, the heirs of said Herrin have given the notice required by law in such cases, that they will apply to this Legislature for a special law granting them a certificate for one league of land as the heirs of said Herrin; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the commissioner of the general land office be, and he is hereby authorized and required to issue a certificate for one league of land to the heirs of Moses Herrin, the same to be located and patented on any of the unlocated public domain authorized by law to be located.

Approved March 9, A. D. 1881.

Takes effect ninety days after adjournment.

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**CHAPTER II.**—An act to amend sections 23 and 31 of an "Act entitled an act amendatory of and supplemental to an act entitled an act to consolidate in one act and amend the several acts incorporating the city of Houston in Harris county," approved April 21, A. D. 1879.

Section 1. Be it enacted by the Legislature of the State of Texas, That sections 23 and 31 of an act incorporating the city of Houston, approved April 21, A. D. 1879, be so amended as to hereafter read as follows:

"Section 23. That the city council shall have the exclusive control and power over the streets, alleys and public grounds and highways of the city, and to abate and remove encroachments or obstructions thereon, to open, alter, widen, extend, establish, regulate, grade, clean, pave



or otherwise improve the same, to put drains and sewers therein, to prevent the encumbering thereof in any manner, and to protect the same from any encroachment or injury; to regulate, establish and alter the grade of all premises, and to require and compel the filling up and raising of the same; to establish, erect, construct, regulate and keep in repair all bridges, culverts, sewers, sidewalks and crossings, and to regulate the use and construction of the same, and to abate and punish any obstructions or encroachments thereon; and the cost of the construction of all such sidewalks, and grading done thereon, or the filling up and raising the grade of any premises, shall be defrayed by the owners of the lot or part of lot or block on which said sidewalk may front, or such grading or filling is done, and the cost of same, together with the cost of the collection thereof, shall be a good and valid charge against the owners of such lot or lots or block, and a lien and encumbrance upon the lot or part of lot, block or premises upon which, or in front of which, said improvements may be constructed, which amount shall be assessed as a tax against the property and the owners thereof, and may be collected and the lien foreclosed in any court having jurisdiction; provided, that all improvements of sidewalks, fillings and gradings shall be advertised, and let out by contract to the lowest and best bidder. The city council shall be invested with full power and authority upon the consent of a majority of the resident owners on both sides of any street, avenue or highway or of such portion thereof as may be proposed to be improved, to grade, shell, pave, repair or otherwise improve any avenue, street, alley or other highway, or any portion thereof, within the limits of said city whenever by a vote of two-thirds of the aldermen elected, they may deem such improvement for the public interest; the cost of which grading, shelling, paving or repairing shall be done at the cost and charge of the owners of the lot or lots or block fronting upon the alley, avenue, street or other highway so improved; and to make provision for the payment of the cost and expense of such improvements and the cost of collecting the same, the city council shall have full power to assess, levy and collect a tax upon the lot or lots or block or blocks fronting on such alley, avenue, street or other highway, which tax, when so levied and assessed, shall be a valid charge against the owner or owners of such lot or lots or block, as well as a lien and encumbrance upon the property itself, which amount may be collected and the said lien enforced in any court of competent jurisdiction; provided, that the city alone shall pay for the improving of the intersections of the streets from block to block across the streets either way; and provided further, that no one shall be made to pay for any improvement done on any street that may be paved or otherwise improved as hereinbefore provided, save for the proportional part of the street that may be in front of his property, and in no event shall such owner be compelled to pay for the improvement of such street more than twenty-five per cent. of the assessed value of his property fronting thereon, and that any railroad or street railway company shall be liable for any grading, paving or other improvement made upon any portion of said streets used or occupied by such companies; to secure the safety and convenience of passing in the streets, sidewalks and other places in the city, to fix the squaring, and to prevent encroachments and obstructions on the streets, sidewalks, squares, ways, levees and public roads and places; to fix the place for anchoring all water craft on Buffalo Bayou; to establish an active system of inspection over the conduct of persons and premises, to prevent cattle, horses, swine, goats, geese and animals from running

at large in the streets; to establish and maintain a city police, prescribe the duties of policemen, and regulate their conduct; to provide for lighting the streets, and for this purpose may establish gas works for the manufacture of gas for the use of the city and the inhabitants thereof at cost price; to determine in what part of the city slaughter houses, bone boilers, soap makers, or other establishments for any business which is or may be injurious to the value of adjacent property, or unwholesome or disagreeable to the occupant of adjacent property, shall not be allowed to be erected; to determine in what part of the city wooden buildings shall not be erected; within the limits prescribed no person shall be permitted to erect such buildings; to prevent gunpowder or other explosive material, kerosine oil or other inflammable oils, being stored within the city limits in such quantity as to endanger the safety of adjacent property; to provide means for the protection against and extinguishment of conflagrations, and for the regulation, maintenance and support of a fire department; to permit or forbid theatres, balls, or other public amusements, and to suppress the same whenever the preservation of order, tranquility or public safety may require; to close dram shops, drinking saloons and other places where intoxicating liquors are sold, whenever necessary or expedient; to define what shall be nuisances in said city, and to abate them by summary proceedings; to provide a work-house for vagabonds and disorderly persons who are unable to pay fines, and to make regulations concerning the same; to regulate weights and measures in the city, affix penalties for violation, fix standard, etc.; also that the city council may provide, own and maintain water works for the use of the city and its inhabitants; to provide and keep a city prison; to make all needful and proper regulations concerning bakers, butchers, keepers of taverns, grog-shops, and other public houses, draymen, horse drivers, water carriers, omnibus drivers, hack drivers and drivers of baggage-wagons, and especially to preserve order and prevent noise and confusion in and about the several depots on the arrival and departure of railway trains; to prevent extortion by carriers of passengers or baggage, hacks, drays, and all public conveyances, by establishing maximum rates of charges; to direct and control the laying and construction of railroad tracks, turnouts and switches, and to require that they be constructed and laid so as to interfere as little as possible with the ordinary travel and use of streets; to require railroad companies to keep the streets through which they run in repair, and to light the same whenever deemed necessary; to construct and keep in repair bridges and crossings at the intersection of streets and avenues, and over all ditches, sewers and culverts on the line of the railway; to regulate the speed of engines and locomotives within said city; to control and regulate everything concerning street railways, and generally to make and establish all rules, regulations, by-laws and ordinances which may contribute to and promote the better administration of the affairs of said city, as well as for the maintenance of the peace, tranquility and safety of said city, and for the protection of the persons and property of its inhabitants. The city council of the city of Houston are hereby empowered and authorized to take and condemn land and real estate in said city to the public use, viz: for streets, alleys and public highways, for extending, straightening and widening those streets now in use, for public wharves and landing places for steamers and other water craft, and for public squares, parks and pleasure grounds. For the condemnation of any

land or real estate, the following proceedings shall be had: The city attorney or attorneys, employed by the city for that purpose, shall file a petition in the district court of Harris county against the owner of the land or real estate sought to be condemned for any of the purposes aforesaid, setting forth, first, the name or names and residence of the owner or owners, if known, and if unknown the same shall be stated; second, the description by metes and bounds of any actual survey, had for that purpose, of the land or real estate sought to be condemned; third, the purpose for which the same is proposed to be taken and applied; fourth, the supposed value of the property to be condemned; fifth, the prayer that the same be condemned to the public use for the purpose stated; and, upon the filing of such petition, like proceedings shall be had thereon as in other civil suits, and when personal service can not be had by reason of the defendant being a non-resident or unknown, service by publication shall be made as provided in other cases in the district court, and upon trial the court shall proceed to render judgment, condemning the land to public use, upon the payment of the value thereof as assessed by the jury, and upon any suit being brought thereafter against the said corporation for such property so condemned, a copy of the judgment and an actual tender of the money in court shall be sufficient answer in bar of a recovery in any such suit. All costs of proceedings for the condemnation of land and real estate under this act shall be taxed against the plaintiffs, including reasonable fees of the attorney, which the court shall appoint to represent the defendant when cited by publication."

"Sec. 31. That the city council shall have power by ordinance to annually levy, assess and collect taxes not exceeding two per cent. ad valorem upon all real and personal estate and property in the city not exempt from taxation, and to determine when taxes shall be paid by corporations or when by individual incorporators, and to levy and collect from each male inhabitant of the city over the age of twenty-one years an annual poll tax of one dollar. All taxes on real estate shall be a lien and charge upon the property, and it may be subjected to the payment of the same, and on all past due taxes, the city of Houston shall be entitled to charge and collect interest at the rate of ten per centum per annum from and after such tax or taxes shall have become due and payable."

Whereas, there is now no law providing for the efficient management, control and improvement of the streets and sidewalks in the city of Houston, and the same are in a dreadful condition on that account, there exists an imperative public necessity for dispensing with the constitutional rule requiring this bill to be read on three several days in each house of this Legislature, and an emergency which requires this act to take effect from and after its passage, and it is so enacted.

Approved March 9, A. D. 1881.

Takes effect from passage.

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CHAPTER III.—An act to authorize the commissioner of the general land office to approve the bounty land warrant for nineteen hundred and twenty acres of land, issued on the twenty-fifth day of November, 1846, by Wm. G. Cooke, adjutant general, to the heirs of Wm. N. French.

Whereas, it appears that bounty land warrant No. 149, for nineteen hundred and twenty acres of land, was, on the twenty-fifth day of November, 1846, issued by Wm. G. Cooke, adjutant general, to the heirs

of Wm. N. French; and, whereas, it further appears from the certificate of the commissioner of the general land office that said bounty warrant has never been located and surveyed, and that no certificate has been issued in lieu thereof under any special act, and further that said bounty warrant, not having been presented to the commissioner of claims for his approval, is, under the ninth section of the act of February 7, 1860, barred, and can not be located; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the commissioner of the general land office be and he is hereby authorized to approve said bounty warrant, and to issue a patent for the amount of land named, when the same shall have been located and surveyed.

Sec. 2. The near approach of the end of this session of the Seventeenth Legislature, and the fact that the Legislature can not grant the relief herein sought after April next, on account of a constitutional provision on the subject, creates an emergency and an imperative public necessity, justifying the suspension of the constitutional rule requiring all bills to be read on three several days, and that this act take effect and be in force from and after its passage, said rule is therefore suspended, and it is enacted that this act take effect and be in force from and after its passage.

Approved March 18, A. D. 1881.

Takes effect from passage.

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#### CHAPTER IV.—An act for the relief of W. M. Harrison and L. A. Ellis.

Whereas, On the fourteenth day of February, A. D. 1880, a judgment was recovered in favor of the State of Texas, in the district court of Travis county, against T. M. Bagby, late sheriff and tax collector of Marion county, and Wm. M. Harrison, and L. A. Ellis, as sureties on the bond of said Bagby, for the sum of six thousand four hundred and eighty dollars and eighty-eight cents (\$6480 88), on which a credit of one thousand dollars has been entered; and whereas, there was, at the time of the rendition of said judgment, an agreement that the collection of the same should be stayed until such time as said sureties might be able to present their equities for relief to the Seventeenth Legislature; and whereas, said sureties have made it satisfactorily to appear that at the time of the rendition of said judgment, said Bagby was entitled to the following just and equitable offset against said claim of the State, which was unknown to said sureties at said time, and which was not presented nor considered on the trial of said cause to wit: A portion of the delinquent and insolvent list of the tax-payers of Marion county for the year A. D. 1877, amounting to fifteen hundred and ninety-nine dollars and forty-three cents; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the clerk of the district court of Travis county, Texas, be and he is hereby authorized and required to enter a credit upon a judgment recorded for the sum of six thousand four hundred and eighty dollars and eighty-eight cents, against T. M. Bagby, late sheriff of Marion county, and Wm. M. Harrison and L. A. Ellis, his sureties, rendered in said district court of Travis county on the fourteenth day of February, 1880, the amount of fifteen hundred and ninety-nine dollars and forty-three cents

(\$1599 43), in addition to such credits as may have heretofore been entered thereon, and said judgment endorsed satisfied to the extent of said credits.

Sec. 2. That when said credits shall have been entered, and said judgment endorsed as provided in section 1 of this act, such entry and endorsement shall be held to be a complete satisfaction and settlement of the right and claim which the State of Texas has by virtue of said judgment against said sheriff and Wm. M. Harrison and L. A. Ellis, his sureties, to the amount and extent of said credits.

Sec. 3. That the near approach of the end of the present session of the Legislature, and the fact that the State of Texas is about to press the collection of said judgment, create an imperative public necessity and emergency, which require the constitutional rule that bills be read on three several days be suspended, and that this act be in force from and after its passage, and be it so enacted.

Approved March 28, A. D. 1881.

Takes effect from passage.

#### CHAPTER V.—An act for the relief of C. C. Gibbs.

Whereas, On the—day of September, 1877, thirteen land certificates for six hundred and forty acres each, issued by the State of Texas, to the International Railroad Company, and known as International Railroad land certificates, belonging to C. C. Gibbs, were destroyed by fire, and he has been unable to have the same duplicated because they cannot be identified by their numbers; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the commissioner of the general land office of this State be and is hereby authorized and required to issue to the said C. C. Gibbs thirteen land certificates of like kind of said lost certificates and to supply the place thereof; provided, the commissioner of the general land office is satisfied of the destruction of said land certificates before mentioned.

Sec. 2. That the time for the location of said certificates be and is hereby extended to January the first, 1882.

Sec. 3. That the near approach of the end of this session of the Legislature creates an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and an emergency that this act take effect at once; therefore, said rule is suspended, and it is enacted that this act take effect and be in force from and after its passage.

Approved March 28, A. D. 1881.

Takes effect from passage.

#### CHAPTER VI.—An act to validate donation land certificate issued to Joseph Floyd.

Section 1. Be it enacted by the Legislature of the State of Texas, That the donation land certificate number two hundred and sixty-four, for six hundred and forty acres of land, issued to Joseph Floyd, on the second day of June, one thousand eight hundred and thirty-eight, by George W. Hockley, secretary of war of the Republic of Texas, at the

city of Houston, for having fought bravely in battle of San Jacinto, April 21st, 1836, and which said donation certificate has never been approved by the commissioner of claims, as provided by the act of February 7th, 1860, and was not located prior to the creation of said commissioner of claims, and no special act certificate issued in lieu thereof, be and the same is hereby declared approved and validated, and is entitled to be located and surveyed upon any of the unappropriated public domain belonging to the State of Texas, and when so located and surveyed, the commissioner of the general land office of the State of Texas, is hereby required to patent same.

Sec. 2. That this act shall take effect and be in force from and after its passage.

Sec. 3. The near approach of the close of the present session of the Legislature, and the fact that the relief herein sought cannot be granted under the constitution after April next, creates an emergency and an imperative public necessity, justifying the suspension of the constitutional rule requiring all bills to be read on three several days, and that this act take effect and be in force from and after its passage; said rule is therefore suspended, and it is enacted that this act take effect and be in force from and after its passage.

Approved March 29, A. D. 1881.

Takes effect from passage.

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## CHAPTER VII.—An act for the relief of Thomas B. Hearne.

Whereas, Thomas B. Hearne, an old veteran of the war which separated Texas from Mexico, is now in indigent circumstances, being confined to his room by reason of physical infirmities, and a great part of the time to his bed; and whereas, by virtue of the laws of the Republic and State of Texas, the said Thomas B. Hearne, as such veteran, was entitled to twelve hundred and eighty acres of land for his services as a volunteer soldier in said war; and whereas, the said Thomas B. Hearne has never received from the State of Texas the land to which he is justly entitled as such veteran, or any part thereof; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the commissioner of the general land office be and he is hereby required to issue to Thomas B. Hearne a bounty land certificate for twelve hundred and eighty acres of land, which may be located upon any vacant public domain of the State of Texas, not heretofore reserved for other purposes.

Sec. 2. The near approach of the close of the session, and the fact that the said Thomas B. Hearne is an old and indigent veteran, who is in daily need of the land to which he is entitled, and is suffering for want of the same, and the fact that the State should do justice to all of her citizens, creates an emergency and an imperative public necessity that the constitutional rule requiring that this bill shall be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved March 30, 1881.

Takes effect from passage.

**CHAPTER VIII.—An act for the relief of Mrs. Marinda Hyde, Martin L. Baker, Roden T. Crain, the heirs of John P. Reynolds, and the heirs of Jacob Plummer.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the commissioner of the general land office be directed and authorized to issue to Mrs. Marinda Hyde an unconditional certificate for six hundred and forty acres of land; to Martin L. Baker, for six hundred and forty acres; to Roden T. Crain, for six hundred and forty acres; to the heirs of John P. Reynolds, for one league and labor; and to the heirs of Jacob Plummer, for six hundred and forty acres.

Sec. 2. The near approach of the close of the session of the Legislature, and the rapid diminution of public lands by location of land certificates, creates an imperative public necessity that the constitutional rule requiring this bill to be read on three several days be suspended, and it is so enacted.

Approved March 30, A. D. 1881.

Takes effect ninety days after adjournment.

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**CHAPTER IX.—An act to authorize and require the commissioner of the general land office to issue a patent on certificate No. 291, to the Mexican Telegraph company, a corporation chartered under the laws of the State of New York, which certificate issued to the Houston and Texas Central Railroad company for six hundred and forty acres of land, and has been located and surveyed upon the island of Brazos de Santiago in Cameron county, and to designate the alternate section of six hundred and forty acres located and surveyed adjoining the location of said certificate as belonging to the public school lands of this State.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the commissioner of the general land office be and he is hereby required to issue a patent on certificate No. 291, to the Mexican Telegraph company, a corporation chartered under the laws of the State of New York, which certificate was issued to the Houston and Texas Central Railroad company for six hundred and forty acres of land, and that said commissioner be also required to designate the alternate section of six hundred and forty acres as located and surveyed by said telegraph company adjoining the location of said certificate as belonging to the public school lands of this State, as said surveys appear on the records of the general land office.

Sec. 2. Be it further enacted, That whereas, the said telegraph company is actually engaged in laying its cable between the Texas coast and Vera Cruz, in the Republic of Mexico, thus cementing the telegraph systems of the United States and Mexico, and requires the immediate use of the necessary landing facilities of its cable and the erection of its offices and other appliances; therefore, an imperative emergency exists for the suspension of the rule that requires all bills to be read on three several days, and such rule is accordingly suspended, and that this act take effect from and after its passage.

Approved April 4, A. D. 1881.

Takes effect from passage.

**CHAPTER X.—An act for the relief of the heirs of Lewis Grooms.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the commissioner of the general land office be and he is hereby authorized and required to issue to the heirs of Lewis Grooms a head-right certificate for six hundred and forty acres of land, to be located, surveyed and patented as other head-right certificates, and this act take effect and be in force from and after its passage. The near approach of the close of the session creates an imperative public necessity that the rule requiring bills to be read on three several days be suspended, and it is suspended.

Approved April 4, A. D. 1881.

Takes effect ninety days after adjournment.

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**CHAPTER XI.—An act for the relief of the heirs of Henry J. Townsend, deceased.**

Whereas, Henry J. Townsend settled in the State of Texas during the year 1840, he then being a married man and the head of a family; that he lived in said State as a citizen thereof until his death in 1864, and whereas, neither said Henry J. Townsend or his heirs or any one for them have received the land certificate to which said Henry J. Townsend was entitled by virtue of the laws of this State; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the commissioner of the general land office of this State be and he is hereby required to issue to the heirs of Henry J. Townsend, deceased, a land certificate for six hundred and forty acres of land which said certificate can be located according to the laws of this State on any of the public domain not otherwise appropriated.

Sec. 2. The near approach of the close of the session creates an imperative public necessity for suspending the rule requiring this bill to be read on three several days and it is suspended.

Approved April 4, A. D. 1881.

Takes effect ninety days after adjournment.

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**CHAPTER XII.—An act for the relief of J. M. Brownson.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the treasurer is hereby directed to pay to J. M. Brownson, upon his receipt for the same, the sum of one hundred dollars, out of the appropriation made for the payment of the interest on the public debt for the year 1878, in full satisfaction and cancellation of twenty coupons of five dollars each of Texas veteran bonds, which said coupons were due on the first day of July, 1878, and numbered as follows, viz: 497, 504, 730, 1414, 1419, 1641, 1644, 1650, 1652, 1654, 1655, 1657, 1662, 1663, 1664, 1986, 4914, 6136, 6541 and 6606, and which were lost in transmitting the same by mail from Victoria to Austin; provided, that, before said money shall be paid said J. M. Brownson shall execute and deliver to the said treasurer of the state his bond, with two solvent sureties, payable to the said



treasurer and his successors in office, for the sum of one hundred and fifty dollars; conditioned that he will refund the money paid to him, with interest thereon, if it shall be found that it was wrongfully or improperly paid to him.

Sec. 2. The near approach of the close of the session creates an imperative public necessity that the constitutional rule requiring this bill to be read on three several days be suspended, and it is so enacted.

Approved April 4, A. D. 1881.

Takes effect ninety days after adjournment.

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CHAPTER XIII.—An act to repeal sections 2, 4 and 7 of an act of the Legislature of the State of Texas, entitled "An act to amend the charter of the city of Dallas," approved July 9, 1879, and to amend sections 177, 163, 90, 62 and 82, of an act of the Legislature of the State of Texas, entitled "An act to incorporate the city of Dallas, and to grant a new charter to said city," approved August 9, A. D. 1876.

Section 1. Be it enacted by the Legislature of the State of Texas, That sections 2, 4 and 7 of an act of the Legislature of the State of Texas entitled "An act to amend the charter of the city of Dallas," approved July 9, A. D. 1879, be and the same are hereby repealed.

Sec. 2. That section 177 of the charter of the city of Dallas, approved August 9, 1876, be and the same is hereby amended so as to read as follows:

"Section 177. It shall be the duty of every one owning property fronting on any street in the city of Dallas, to build sidewalks, construct curbing and guttering and repair the same in front of their property, when notified by the proper city authorities, and according to ordinance.

"If the owners of any property fail to construct or repair such sidewalk, curbing or guttering, the same may be done by the city, and taxed against the property, according to cost of construction. Any one failing or refusing to build or repair the sidewalk, curbing or guttering, along their property, according to ordinance, shall be deemed guilty of a misdemeanor and punished as provided by city ordinance; provided, the fine for any one day's neglect shall not exceed fifty dollars."

Sec. 3. That section 163 of the charter of the city of Dallas, be amended so as to hereafter read as follows:

"Section 163. Whenever the city council shall hereafter provide by ordinance, for the establishing, opening, widening or altering any street, avenue, alley, market place or public square, or route, or sewer, either on their own motion or on a petition by a majority of the adjoining property holders, and it becomes necessary for the purpose to take private property, just compensation is to be paid therefor to the owners of the land condemned and appropriated; whenever the owner or owners of land cannot agree with the committee of the city council, as to the value of the land to be used, the mayor shall cause the value of such property, so taken, to be ascertained and assessed by a board of appraisers, consisting of six disinterested freeholders of the city, to be selected as follows:

"Whenever any of the aforesaid improvements have been determined upon by the city council, the mayor shall order the marshal to summon twelve disinterested freeholders of the city, to appear before him on a

day specified in the notice, and he shall have the owner or owners of the land to be taken, summoned to appear at the same time and place, and if the owner can not be found, then notice to be served on the agent of such owner; if any of the twelve freeholders do not appear at the time and place, the marshal shall summon the requisite number to fill the vacancies until there is a panel of twelve. From this list, the owner of the land shall have a right to strike off three, and the mayor in behalf of the city, shall have a right to except to three, and the remaining first six shall constitute a board of appraisers; said board shall have power to regulate their time of sitting, to enforce the execution of all necessary process, and they shall be presided over by the mayor, who shall instruct the board upon all questions of law arising, but shall have no voice in determining the value of land. A majority of the board may determine and report value of the land."

Sec. 4. That section 90 of the charter of the city of Dallas be so amended as to read as follows:

"Section 90. The city council shall have a right to annually levy and collect a poll tax, not exceeding one dollar (150) and fifty cents for every year, upon all male persons, over the age of twenty-one and under sixty, residents of the city at the time of assessment."

Sec. 5. That section 62 of the city charter be amended so as to read as follows:

"Section 62. The city council shall have the right to enact all necessary ordinances to restrain and punish vagrants, mendicants, street beggars and prostitutes; to restrain, punish, regulate and control all disorderly houses of prostitution or assignation and the keepers and inmates thereof; to regulate, punish or control all gambling and keepers of games and gambling houses and those who bet on games and gambling devices, where there is an ordinance of the city of Dallas in force, punishing this or any other misdemeanor with as great a penalty as the same is punished by the statute of the State. The mayor's court of the city of Dallas shall have jurisdiction of such misdemeanors when committed in the corporate limits of the city of Dallas."

Sec. 6. That section 82 of the charter of the city of Dallas be amended so as to read as follows:

"Section 82. The city council shall have power to pass, publish, amend or repeal all ordinances, rules and police regulations, not contrary to the constitution of the State, and necessary for the peace, order or good government of the city or the trade, commerce and health thereof, or that may be necessary and proper to carry into effect the powers vested in the corporation or any of its officers by the act of incorporation of date August 9, A. D. 1876, and this and other amendments thereto. To enforce the observance of all such ordinances, rules and police regulations and to punish violations thereof by fines and imprisonment, or either or both, or by work on the streets or other public works as may be provided by ordinance and required by the judgment of the court; provided, that no fine shall exceed two hundred dollars, or period of imprisonment exceed fifteen days in city jail, but the city of Dallas shall have a right by ordinance to inflict penalties not exceeding this either in fine or imprisonment."

Sec. 7. Whereas, the present session of the Legislature is near adjournment, and it is necessary that this bill be enacted to secure to the city of Dallas greater economy and efficiency in the administration of her government, an emergency and imperative public necessity exists that the

constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force thirty days from and after its passage.

Approved April 5, A. D. 1881.

Takes effect ninety days after adjournment.

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CHAPTER XIV.—An act entitled an act to amend sections 87, 96, 97, 98, 99, 127, 131 and 132, of "An act to incorporate the City of Galveston, and to grant a new charter," approved August 2, 1876.

Section 1. Be it enacted by the Legislature of the State of Texas, That section 87 of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

"Section 87. Nothing contained under the head of taxation shall be construed to prevent the city council from imposing, levying and collecting special taxes and assessments for the improvement of the harbor, avenues, streets and alleys, as hereinafter provided."

Sec. 2. That section 96 of said act be and the same is hereby amended, so that hereafter it shall be as follows, to wit:

"Section 96. That if any person shall fail, neglect or refuse to pay the taxes imposed upon him and his property within the time prescribed by the ordinances of said city, the collector shall, by virtue of his tax list and assessment roll, levy upon so much property liable to taxation belonging to such person, whether resident or non-resident, as may be sufficient to pay his, her or their taxes, and if the property levied on be personal property, the collector shall give notice of the time and place of sale, together with a brief description of the property levied on and to be sold, with the amount of taxes, interest, costs and fees due thereupon, for at least ten days previous to the day of sale, by advertisements in writing, to be posted at the courthouse door of Galveston county, and at two other public places within said city limits; and at the expiration of such notice, and on the day therein specified, the collector shall proceed to sell such property, at public auction, in front of the courthouse door of said Galveston county, within the limits aforesaid. In making sales of real property for taxes, the collector shall advertise the same for sale, by posting a list of the names of delinquents, for thirty days, as follows: one copy at the courthouse door of the county of Galveston, and a copy at two other public places within said city limits, giving in said advertisement such description as is given to the same on the tax roll in his hands, stating the name of the owner, if known, and if unknown, saying "unknown," together with the time, place and terms of sale; said sale to be for cash, to the highest and best bidder, at public outcry, at said courthouse door, within said limits, between legal hours, on the first Tuesday of the month. The collector of taxes, in making sales for taxes due upon real estate, shall sell at auction, at the time and place appointed, so much of said real estate as may be necessary to pay the taxes, interest and penalties due, and all costs accruing thereon; and shall offer said real estate to the bidder who will pay the taxes, interest and penalties due, and costs of sale and execution of deed, for the least amount of said real estate, who shall be deemed the highest bidder. Should a less amount of said real estate than the whole parcel levied upon be sold for the taxes, interest and penalties due, and all costs of sale and execution and deed, the

collector shall, in making his deed to the purchaser, begin at some corner of said parcel of real estate (or lot or lots), and designate the same in a square as nearly as practicable. No real estate set apart, used or designated as a homestead shall be sold for taxes, other than the taxes due on such homestead; and if any person shall point out to the collector of taxes, within thirty days from the time the same shall become due, sufficient personal property belonging to him to pay all taxes assessed against him, together with interest, penalties and costs, the collector shall immediately levy upon and sell such property so pointed out, in accordance with the provisions hereinbefore mentioned, regulating 'tax sales' of personal property."

Sec. 3. That section 97 of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

"Section 97. The collector of taxes shall execute and deliver to the purchaser, upon the payment of the amount for which the estate was sold, and costs and penalties, a deed for the real estate sold, which deed shall vest a good and perfect title in the purchaser, if not redeemed in two years, as hereinafter provided, which deed shall state the cause of sale, the amount sold, the price for which the real estate was sold, the name of the person, firm, company or corporation on whom the demand for the taxes was made, provided the name is known, and if unknown, saying 'unknown,' the same description of the land as given in the tax rolls, and such other description as may be practicable, for better identification; and when real estate has been sold he shall convey, subject to the right of redemption hereinafter provided for, all the right and interest which the former owner had therein at the time when the assessment was made. The deed of the collector, as hereinbefore provided, of any real estate sold, shall be prima facie evidence in all controversies and suits in relation to the right of the purchaser, his, her or their assigns, to the premises thereby conveyed, of the following facts:

"First, that the land or lot or portions thereof conveyed, was subject to taxation or assessment, at the time the same was advertised for sale, and had been listed in the time and manner required by law.

"Second, that the taxes or assessment were not paid at any time before the same.

"Third, that the land, lot or portion thereof conveyed, had not been redeemed from the sale at the date of the deed, and shall be conclusive evidence of the following facts:

"1. That the land, lot or portion thereof sold, was advertised for sale in the manner and for the time required by law.

"2. That the property was sold for taxes or assessments, as stated in the deed.

"3. That the grantee in the deed was the purchaser.

"4. That the sale was conducted in the manner prescribed by law; and in all controversies and suits involving the title to land claimed and held under and by virtue of such deed, the person or persons claiming adverse to the title conveyed by such deed, shall be required to prove, in order to defeat the said title, either that the land was not subject to taxation at the date of the sale; that the taxes or assessment had been paid; that the land or lots had never been listed and assessed for taxation and assessment as required by this act, or some ordinance of the city, or that the same had been redeemed according to the provisions of this act, and that such redemption was made for the use and benefit of the persons having the right of redemption under the law; but no person

shall be permitted to question the title acquired by the said deed, without first showing that he, she or they, or the person under whom he, she or they claim title, had title to the land at the time of the sale, or that the title was obtained after the sale, and that all taxes due upon the lands have been paid by such person, or the person under whom he claims title as aforesaid; provided, however, that the owner of such property shall have the right to redeem the same at any time within two years of the day and date of the sale thereof, upon paying to the purchaser double the amount of the taxes for which the same was sold, together with the costs of such sale, and the amount of all taxes paid by the purchaser since such sale. The collector shall have full power to levy upon any personal property to satisfy any tax imposed by this act. All taxes shall be a lien upon the property upon which they are assessed, and if said taxes are not paid on or before the time prescribed by the ordinances of said city, the same shall, from such time, bear interest at the rate of eight (8) per centum per annum till paid, which interest shall be collected by the collector at the time and in the manner provided herein for the collection of taxes; and in case any property levied upon is about to be removed out of the city, the collector shall proceed to take into his possession so much thereof as will pay the taxes assessed and costs of collection."

Sec. 4. That section 98 of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

"Section 98. If, from any cause, the sale of the property levied upon or seized for taxes, shall not take place at the time appointed, the collector shall appoint some other time, giving the like notice and proceed to sell such property in the manner prescribed in the first instance; and in case said property or any part thereof levied upon or seized for taxes, cannot be sold on the day advertised, such sale may be postponed from day to day until completed, of which postponement the collector shall give verbal notice at the expiration of sale each day. No sale shall be considered complete until payment of the purchase money, and if the same is not paid before the completion of such tax sales the collector shall resell the property and continue such sale until the same is complete."

Sec. 5. That section 99 of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

"Section 99. Should the collector of taxes fail to make sale of any real estate or personal property for want of a purchaser, he shall bid the same off to the city for the taxes, interest, penalties and all costs accruing thereon, and thereupon the city shall receive in the corporate name a deed for said property, and shall be vested with the same rights as other purchasers at such sales, and shall have power to sell and convey the same, and one deed shall include all parcels of land or lots bid off to the city, in any one day, at such tax sale. And after sale and purchase by the city of any real estate it shall not be lawful for said collector to levy upon or advertise, or sell the same for any remaining or accrued taxes due thereon, until the same shall have been redeemed by the owner or is sold by the city."

Sec. 6. That section 127 of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

"Section 127. The city council shall be invested with full power and authority, upon the consent of the resident owners of a majority of the frontage or property on the streets to be improved, to grade, shell, repair, pave, or otherwise improve any avenue, street or alley, or any portion

thereof, within the limits of said city, whenever, by a vote of two-thirds of the aldermen elected, they may deem such improvement for the public interest; provided, the city council pay one-third and the owners of the property two-thirds thereof, except the intersection of the streets, from lot to lot, across the streets either way, shall be paid for by the city alone, and said cost shall be assessed on or against the property fronting on said thoroughfares, to be collected whenever such improvement is completed and accepted by the city council; provided, however, that the foregoing portion of this section in relation to "the consent of the resident owners of a majority of the frontage or property on the streets to be improved" shall not apply or relate to the following territory and streets of said city, to wit: From the south side of avenue A to the north side of Church street or avenue F, and from the east side of Twentieth street to the east side of Twenty-fifth street, and also on Avenue B or Strand street, between the east side of Eighteenth street and the east side of Twentieth street; but as to said territory and streets the city council shall have the power and authority to make or cause to be made such improvements, whenever, by a vote of two-thirds of the aldermen elected, they may deem such improvements for the public interest."

Sec. 7. That section 131 of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

"Section 131. The said city shall have power to issue bonds to the extent of thirteen hundred thousand dollars (\$1,300,000) of the denomination of one hundred dollars, or any multiple thereof, payable forty years after date of their issue, bearing interest not to exceed five per cent. per annum, payable semi-annually; but the net proceeds of such bonds shall be used only in paying or redeeming legal and valid indebtedness of the city now existing; provided, that the bonds herein authorized to be issued shall not be sold at less than par."

Sec. 8. That section 132 of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

"Section 132a. The indebtedness of said city for all purposes, general as well as special, for five years after the passage of this act shall not exceed thirteen hundred thousand dollars (\$1,300,000), nor shall such indebtedness ever thereafter exceed the amount of five per cent. of the value of the taxable property of the city as shown by the regular assessment thereof, for the purpose of taxation; and it shall be the duty of the city clerk, quarterly, to make to the city council, for their information and guidance, a full, accurate and correct statement and report of the whole indebtedness of the city, which shall also be published for three days in the official journal of the city. Any member of the city council who shall knowingly vote for or in any manner aid or promote the passage or adoption of any ordinance, resolution or other act of the city council, increasing the indebtedness of the city, beyond the limits herein prescribed, shall thereby vacate his office, and shall be deemed guilty of malfeasance in office, and being thereof convicted, shall be punished in the manner and to the extent provided in section 30 of this act.

"Section 132b. Whenever the value of the taxable property of the city of Galveston exceeds the sum of thirty million dollars (\$30,000,000), and the city council of the city of Galveston deem it advisable and necessary for the purpose of improving the city to contract additional indebtedness, a board of registration, consisting of three tax-payers, shall be appointed by the city council, whose duty it shall be to register the names of all citizens, on presentation of city tax receipts for the preceding year. The board

of registration to endorse upon the tax receipt the date and number of registration. Two-thirds of the tax-payers so registered shall be sufficient to increase the indebtedness, but not in excess of five per cent. of the taxable value of property."

Sec. 9. That all laws and parts of laws in conflict or inconsistent with the provisions of this act be and the same are hereby repealed.

Sec. 10. It being important that the city of Galveston should have the power to at once enforce the speedy collection of its taxes, to improve its streets, and to issue bonds for the payment of its outstanding valid indebtedness, some of which powers do not exist, and others are doubtful under its present charter, an emergency is created that this act take effect and be in force from and after its passage, and it is so enacted, and the near approach of the close of the session, and the large amount of legislative business undisposed of, causes an imperative public necessity which justifies a suspension of the rule requiring this bill to be read on three several days, and it is so suspended.

Approved April 5, A. D. 1881.

Takes effect from passage.

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THE STATE OF TEXAS, }  
DEPARTMENT OF STATE. }

I, T. H. Bowman, Secretary of State of the State of Texas, do hereby certify that I have compared the foregoing laws, passed by the Seventeenth Legislature, with the originals now on file in this department, and that they are true copies thereof. I further certify that the Seventeenth Legislature of the State of Texas convened at the city of Austin on the eleventh day of January, A. D. 1881, and adjourned on the first day of April, A. D. 1881.

In testimony whereof, I hereunto sign my name and affix  
[L. s.] the seal of the State of Texas, at the city of Austin, on this  
the thirteenth day of May, A. D. 1881.

T. H. BOWMAN,  
Secretary of State.

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**GENERAL LAWS**

**OF**

**THE STATE OF TEXAS**

**PASSED AT THE**

**CALLED SESSION OF THE SEVENTEENTH LEGISLATURE**

**CONVENED**

**AT THE CITY OF AUSTIN**

**APRIL 6, 1882, AND ADJOURNED MAY 5, 1882.**

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**BY AUTHORITY.**

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**GALVESTON**  
**1882**



# GENERAL LAWS OF TEXAS.

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**CHAPTER I.**—An Act making an appropriation for mileage and per diem pay of members and per diem pay of officers and employees of the called session of the Seventeenth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of forty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, for the payment of mileage and per diem pay of the members and the payment of the per diem pay of the officers and employees of the called session of the Seventeenth Legislature.

Sec. 2. That the certificate of the Secretary of the Senate, approved by the President thereof, or the certificate of the Chief Clerk of the House, approved by the Speaker thereof, shall be sufficient evidence to the Comptroller, upon which he shall audit the claims and issue his warrants upon the Treasurer for the respective amounts.

Sec. 3. That the balance of the moneys remaining in the treasury heretofore appropriated for the per diem pay and mileage of the members and the per diem pay of the officers and employees of any preceding session of the Legislature of the State of Texas be and the same is hereby reappropriated for the purposes specified in this act.

Sec. 4. And whereas, the called session of the Seventeenth Legislature, for the payment of the members and officers of which this law is enacted, is now in session, and public policy requires this payment, therefore an imperative public necessity exists, that the rule requiring this bill to be read on three several days be suspended, and it is so enacted; and that this act take effect and be in force from and after this passage.

Approved April 11, A. D. 1882.

Takes effect from passage.

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**CHAPTER II.**—An Act making an appropriation to defray the contingent expenses of the Seventeenth Legislature, convened on April 6, 1882, in extra session, by proclamation of the Governor.

Whereas, It is of sufficient importance that the contingent expenses of the extra session of the Seventeenth Legislature be promptly paid, in order that the material furnished and labor performed may be procured at cash prices; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not

otherwise appropriated, to pay the contingent expenses of the extra session of the Seventeenth Legislature; and that except in the case of accounts for printing done and stationery furnished, the approval by the chairman of the committee on contingent expenses of either house, countersigned by the President of the Senate or Speaker of the House, as the case may be, shall be sufficient authority to authorize the Comptroller to issue his warrant on the State Treasurer, for the payment of any account against said fund. The accounts for printing and stationery shall take the course prescribed by the Revised Statutes.

Sec. 2. That the public importance of the objects herein contemplated creates an imperative public necessity and emergency fully authorizing the suspension of the constitutional rule requiring the reading of bills upon three several days, and the said rule is hereby suspended; and this act shall be in force and take effect from and after its passage.

Approved April 11, A. D. 1882.

Takes effect from passage.

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### CHAPTER III.—An Act to provide temporary rooms for the Supreme Court, Court of Appeals, the Commissioners of Appeals and the law library of the State at Austin.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Secretary of State be, and he is hereby authorized, to contract at once with William Brueggerhoff for the rent of the upper story of his building, on Congress avenue, in Austin, and six rooms on the second floor of said building for the use of the Supreme Court, the Court of Appeals and the Commissioners of Appeals, and for the law library of the State at Austin. The said contract shall be made for three months, with the privilege of continuing for a longer period, at a rent not to exceed the rate of \$562.50 for three months, and with a proviso if the building shall be purchased by the State, during the present session of the Legislature, that no rent shall be paid.

Sec. 2. The expenses to be incurred in moving the books and furniture to said building and in preparing the rooms in said building for the courts shall be paid on vouchers, to be approved before presentation by the Secretary of State; and the sum of one thousand dollars or so much thereof as may be necessary, be and the same is hereby appropriated to carry out the provisions of this act.

Sec. 3. Whereas, it is necessary, in order that the Supreme Court, Court of Appeals and Commissioners of Appeals may have suitable rooms in which to hold their sessions, that this act shall take effect from and after its passage; therefore an emergency exists and [an] imperative public necessity demands the suspension of the constitutional rule which requires a bill to be read on three several days, therefore that the rule be suspended and that this bill take effect and be in force from and after its passage.

Approved April 11, A. D. 1882.

Takes effect from passage.

• **CHAPTER IV.**—An Act to amend article 4256 of the Revised Statutes of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That article 4256 of the Revised Statutes of the State of Texas shall hereafter read as follows:

Article 4256. No railroad company shall demand or receive for transporting a passenger over its line of road exceeding three cents for each mile, or fraction of a mile, it may transport such passenger, and any passenger shall be entitled to have transported with him baggage, not to exceed one hundred pounds, free of charge.

Approved April 14, A. D. 1882.

Takes effect ninety days after adjournment.

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• **CHAPTER V.**—An Act to extend the time within which all persons whose lands have been sold for taxes and bought in by the State may redeem the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That all lands which have been sold for taxes and bought in by the State shall be restored to the owners of the same, if within twelve months from the passage of this act said owners, or their agents, shall pay to the State the original taxes due thereon, and taxes due for each year since said sale, with eight per cent interest thereon per annum from the date of the accrual of each year's taxes, and all costs which have accrued thereon, and five per cent commissions to the collector, under such rules and regulations as shall be prescribed by the Comptroller of the State.

Sec. 2. Whereas, There are persons whose lands have been sold who are anxious to redeem the same, an emergency exists and an imperative public necessity demands that the constitutional rule requiring all bills to be read on three several days be suspended, and that this bill take effect and be in force from and after its passage, and it is so enacted.

Approved April 20, A. D. 1882.

Takes effect from passage.

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• **CHAPTER VI.**—An Act to repeal all laws granting lands or land certificates to any person, firm, corporation or company for the construction of railroads, canals and ditches.

Section 1. Be it enacted by the Legislature of the State of Texas, That all laws or parts of laws now in force granting lands or land certificates to any person, firm, corporation or company for the construction of railroads, canals and ditches, be and the same are hereby repealed.

Sec. 2. The fact that the public domain subject to location by the owners of these certificates has been exhausted creates an imperative public necessity and an emergency requiring the constitutional rule that bills be read on three several days in each house be suspended, and the same is therefore suspended; and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved April 22, A. D. 1882.

Takes effect from passage.

**CHAPTER VII.—An Act to provide temporary shelter for the lunatics in the Asylum, rendered necessary by the recent burning of one of the Lunatic Asylum buildings.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of fourteen hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated to erect temporary shelter for the lunatics who occupied the asylum building which was burned during the present session.

Sec. 2. The necessity of providing immediate shelter for said lunatics creates an emergency and an imperative public necessity for the immediate passage of this act, and for the suspension of the constitutional rule requiring bills to be read on three several days in each house; said rule is therefore suspended, and this act shall take effect and be in force from and after its passage.

Approved April 25, A. D. 1882.

Takes effect from passage.

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**CHAPTER VIII.—An act to authorize district judges to fix times for holding courts in newly organized counties.**

Section 1. Be it enacted by the Legislature of the State of Texas, That whenever any unorganized county within this State has become organized, or may hereafter become organized, there being no time fixed by law for holding district court in such counties, the district judge in whose judicial district such county is situated shall fix times to hold at least two terms of court each year in each of such counties, by a written declaration, to be forwarded by the district judge to the district clerk of the county, and by him spread on the minutes of the district court. When the times are so fixed they shall not be changed except by an act of the Legislature.

Sec. 2. Owing to the recent organization of Wilbarger county, and there being no time fixed by law for holding courts in said county, an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended; and an emergency exists that this act should take effect and be in force from and after its passage, and it is so enacted.

Approved April 25, A. D. 1882.

Takes effect from passage.

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**CHAPTER IX.—Joint Resolution authorizing the Board of Statistics to apply such portion of the existing appropriation as may be necessary for the payment of statistical clerks.**

Section 1. [Be it] resolved by the Senate and House of Representatives of the State of Texas, That the Board of Statistics be, and they are hereby authorized to apply such portion of the existing appropriation as

may be necessary for the payment of statistical clerks to complete and publish the statistical work.

Sec. 2. The amount of labor to be performed, and the early demand for such statistical work, creates an emergency and an imperative necessity for a suspension of the rules, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved April 27, A. D. 1882.

Takes effect ninety days after adjournment.

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**CHAPTER X.—An Act to attach the unorganized county of Crockett to the county of Kinney for judicial purposes.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the unorganized county of Crockett be, and the same is hereby attached, for judicial purposes, to the county of Kinney.

Sec. 2. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 3. The fact that under existing laws of this State the unorganized county of Crockett is not attached to any organized county for judicial purposes, and the fact that the public interests demand that said unorganized county be attached to some organized county, that the courts of this State may have jurisdiction over said unorganized county, creates an imperative public necessity that the constitutional rule requiring a bill to be read on three several days be suspended, and an emergency that this act should take effect and be in force from and after its passage, and it is so enacted.

Approved April 28, A. D. 1882.

Takes effect from passage.

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**CHAPTER XI.—An Act to provide for running and marking the boundary line between the State of Texas and the territory of the United States, from the northeast corner of said State to the degree of longitude one hundred west from London and twenty-three degrees west from Washington, as said line is described in the treaty between the United States and Spain, of February 22, 1819, and for the payment of the expenses of such survey.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor of this State be and he is hereby authorized and empowered to appoint a suitable person, or persons, who, in conjunction with such person, or persons, as may be appointed by, or on behalf of, the United States, for the same purpose, shall run and mark the boundary lines between the territories of the United States and the State of Texas, as follows: Beginning at a point where a line drawn north from the intersection of the thirty-second degree of north latitude with the western bank of the Sabine river, crosses Red river and thence following the course of said river westwardly to the degree of longitude one hundred west from London, and twenty-three degrees west from Washington, as



said line was laid down in Melish's map of the United States, published at Philadelphia, improved to the first of January, 1818, and designated in the treaty between the United States and Spain, made February 22, A. D. 1819.

Sec. 2. Said joint commission will report their survey, made in accordance with the foregoing section of this act, together with all necessary notes, maps, and other papers, in order that in fixing that part of the boundary between the Territories of the United States and the State of Texas the question may be definitely settled as to the true location of the one-hundredth degree of longitude west from London, and whether the north fork of Red River, or the Prairie Dog fork of said river, is the true Red River designated in the treaty between the United States and Spain made February 22, 1819; and in locating said line said commissioners shall be guided by actual surveys and measurements, together with such well established marks, natural and artificial, as may be found, and such well authenticated maps as may throw light upon the subject.

Sec. 3. Such commissioner, or commissioners, on the part of Texas, shall attempt to have said survey, herein provided for by the joint commission, made and performed between the first day of July and the first day of October of the year in which said survey is made, when the ordinary stage of water in each fork of said Red River may be observed; and when the main or principal Red River is ascertained as agreed upon in said treaty of 1819, and the point is fully designated where the one-hundredth degree of longitude west from London, and twenty-third degree of longitude west from Washington, crosses said Red River, the same shall be plainly marked and defined as a corner in said boundary, and said commissioner shall establish such other permanent monuments as may be necessary to mark their work.

Sec. 4. That the sum of ten thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out any money in the treasury not otherwise appropriated, to carry out the provisions of this act; provided, that the commissioner or commissioners on the part of Texas, shall act, in making such survey, under instructions from the Governor of the State, and shall receive for their services such sum or sums of money as the Governor may offer to pay, not to exceed the sum of three thousand dollars each; and provided further, that the person or persons, to be appointed and employed by the United States are not to be paid by the State of Texas.

Sec. 5. The facts that the settlement of the boundary of that portion of the State of Texas embracing Greer county will involve important public as well private interests, which should be immediately settled, and that the present session is confined to thirty days, creates an imperative public necessity that the constitutional rule requiring that bills shall be read on three several days be suspended, and an emergency that this act take effect and be in force from and after its passage, and it is so enacted.

Approved May 2, A. D. 1882.

Takes effect from passage.

CHAPTER XII.—An Act to amend articles 1026, 1027, 1028, 1029, 1030, 1031 and 1032, of chapter 5, title 26, and articles 1077, 1078, 1079, 1080, 1081 and 1082, of chapter 15, title 26, of the Revised Civil Statutes of the State of Texas, approved February 21, 1879.

Section 1. Be it enacted by the Legislature of the State of Texas, That articles 1026, 1027, 1028, 1029, 1030, 1031 and 1032, of chapter 5, title 26, of the Revised Civil Statutes of the State of Texas, shall hereafter read as follows, respectively:

Article 1026. The Supreme Court is authorized and required to appoint one or more reporters of its decisions, who shall be subject to removal by said court for any inefficiency or neglect of duty.

Article 1027. It shall be the duty of the reporter to prepare for publication, under the direction of the Supreme Court, the decisions thereof, and cause the same to be printed and published with promptness, as fast as there shall be a sufficient number to form a volume, and shall deliver to the Secretary of State, for the use of the State, one thousand copies of each volume of the reports.

Article 1028. Each volume shall contain an average number of pages of the volumes of Texas Reports, heretofore published, and each page shall be twenty-six ems, pica, wide and forty-six ems, pica, long. The type used shall be long primer and minion, of same size used in volume XXIII, Wallace's United States Supreme Court Reports. The lines shall be leaded with not thicker than eight to pica leads. The paper, press work and binding shall be of the same style, and of at least equal quality, in every respect, with the volumes of Moore's and Walker's Reports heretofore published. They shall be styled the "Texas Reports," and shall be so styled on the title page and back thereof, and the numbers of the volumes shall be continued on consecutively. The name of the reporter may be printed on the back, as on the volumes published by Moore and Walker. Each volume shall be copyrighted in the name of and for the State of Texas.

Article 1029. As soon as the opinions are recorded, the originals, together with the records and papers in each case to be reported, shall be delivered to the reporter, upon his giving a receipt therefor, who shall return them to the respective clerks from whom he received them when he shall have finished using them.

Article 1030. The reporter shall be entitled to receive, in payment for the one thousand copies of each volume, delivered as aforesaid, the following compensation, viz: The sum of five dollars and fifty cents per page for as many pages as shall be contained in one copy of each volume so delivered.

Article 1031. When the reporter shall have delivered to the Secretary of State the copies of a volume of the reports, as required by this chapter, the Comptroller of Public Accounts shall draw his warrant upon the State Treasurer for the amount of compensation due such reporter, based upon the certificate of the Secretary of State, and the certificate of the Board of Public Printing, that the reporter has delivered to the Secretary of State one thousand copies of the . . . . volume of the Texas Reports, containing . . . . pages, printed, published and bound in accordance with the provisions of this chapter. The Secretary of State is authorized to sell single copies of each volume delivered as aforesaid, for the sum of four dollars, exclusive of postage, the proceeds of such sale to be paid to

the State Treasurer, and the Secretary of State to report thereon in his biennial report; provided, that the Secretary shall retain five hundred copies of each volume for the use of the State.

Article 1032. The Supreme Court shall designate, by order or otherwise, all cases to be reported, and only such cases shall be reported as shall be designated by the Supreme Court for Publication, and only the main propositions specified by the court contained in the briefs of cases reported, with the authorities relied on, shall be incorporated in such reports.

Sec. 2. That articles 1077, 1078, 1079, 1080, 1081 and 1082, of chapter 15, title 26, of the Revised Civil Statutes of the State of Texas, shall hereafter read as follows, respectively:

Article 1077. The Court of Appeals is authorized and required to appoint one or more reporters of its decisions in criminal cases, and of such other of its decisions as may be required by law to be published; such reporters shall be subject to removal by said court for any inefficiency or neglect of duty.

Article 1078. It shall be the duty of the reporter to prepare for publication, under the direction of said court, the said decisions thereof, and cause the same to be printed and published with promptness, as fast as there shall be a sufficient number to form a volume, and shall deliver to the Secretary of State for the use of the State, one thousand copies of each volume of the reports. The Court of Appeals shall designate, by order or otherwise, all cases to be reported, and only such cases shall be reported as shall be designated by the Court of Appeals for publication, and only the main propositions specified by the court contained in the briefs of cases reported, with the authorities relied on, shall be incorporated in such reports.

Article 1079. Each volume shall contain an average number of pages of the volumes of the Texas Reports heretofore published, and each page shall be twenty-six ems, pica, wide and forty-six ems, pica, long. The type used shall be long primer and minion, of same size used in volume XXIII, Wallace's United States Supreme Court Reports. The lines shall be leaded with not thicker than eight to pica leads. The paper, presswork and binding shall be of the same style and of at least equal quality in every respect with the volumes of Moore and Walker's reports heretofore published. They shall be styled the "Court of Appeals Reports," and shall be so styled on the title page and back thereof, and the numbers of the volumes shall be continued on consecutively. The name of the reporter may be printed on the back, as on the volumes published by Moore and Walker.

Article 1080. The reporter shall be entitled to receive in payment for the one thousand copies of each volume delivered as aforesaid, the following compensation, viz., the sum of five dollars and fifty cents per page for as many pages as shall be contained in one copy of each volume so delivered.

Article 1081. As soon as the opinions are recorded, the originals, together with the records and papers in each case to be reported, shall be delivered to the reporter, upon his giving a receipt therefor, who shall return them to the respective clerks from whom he received them, when he shall have finished using them.

Article 1082. When the reporter shall have delivered to the Secretary of State the copies of a volume of the reports as required by this chapter, the Comptroller of Public Accounts shall draw his warrant upon the

State Treasurer for the amount of compensation due such reporter, based upon the certificate of the Secretary of State, and the certificate of the Board of Public Printing, that the reporter has delivered to the Secretary of State one thousand copies of the . . . . volume of the "Court of Appeals Report," containing . . . . pages, printed, published and bound in accordance with the provisions of this chapter. The Secretary of State is authorized to sell single copies of each volume delivered as aforesaid, for the sum of four dollars, exclusive of postage, the proceeds of such sales to be paid to the State Treasurer and the Secretary of State to report thereon in his biennial report; provided, that the Secretary of State shall retain five hundred copies of each volume for the use of the State.

Sec. 3. The fact that there is no law by which the State can retain the copyright to the reports of its Supreme and Appellate Courts, and the further fact that the public interest demands an immediate change in the existing law upon the subject, creates an imperative public necessity and an emergency that the rule requiring bills to be read on three several days be suspended, and it is hereby suspended, and that this act take effect from and after its passage, and it is so enacted; provided, that nothing contained in this act shall be held to apply to volumes of reports the manuscript of which is now in the hands of the publisher.

Approved May 3, A. D. 1882.

Takes effect from passage.

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### CHAPTER XIII.—An Act to amend title 4 of the Revised Civil Statutes of the State of Texas, and to reapportion the State into Senatorial and Representative Districts.

Section 1. Be it enacted by the Legislature of the State of Texas, That articles 11, 12, 13, 14 and 15, of the Revised Civil Statutes of the State of Texas shall be so amended as to hereafter read as follows:

Article 11. The senatorial districts of the State of Texas are constituted as follows, each of which shall be entitled to elect a senator:

Number 1—The counties of Jefferson, Liberty, Orange, Jasper, Newton, Tyler, Polk, Hardin, Chambers and San Jacinto.

Number 2—The county of Sabine, San Augustine, Nacogdoches, Shelby, Rusk and Panola.

Number 3—The county of Harrison.

Number 4—The counties of Cass, Marion, Bowie, Morris and Titus.

Number 5—The counties of Delta, Hopkins, Franklin, Camp and Hunt.

Number 6—The counties of Rains, Wood, Upshur, Gregg and Smith.

Number 7—The counties of VanZandt, Henderson, Anderson and Cherokee.

Number 8—The counties of Houston, Leon, Madison, Grimes and Angelina.

Number 9—The counties of Trinity, Walker, Montgomery and Harris.

Number 10—The counties of Galveston, Brazoria and Matagorda.

Number 11—The counties of Wharton, Colorado, Lavaca and Gonzales.

Number 12—The counties of Fort Bend, Burleson, Waller, Austin and Washington.

Number 13—The counties of Fayette, Bastrop and Lee.

Number 14—The counties of Brazos, Robertson and Milam.

Number 15—The counties of Limestone, Freestone and Navarro.

Number 16—The counties of Kaufman, Rockwall and Dallas.

Number 17—The counties of Collin and Denton.

Number 18—The counties of Grayson and Cooke.

Number 19—The counties of Montague, Clay, Wichita, Archer, Young, Throckmorton, Baylor, Wilbarger, Greer, Hardeman, Knox, Haskell, Stonewall, King, Cottle, Childress, Collingsworth, Wheeler, Hemp-hill, Lamb, Lipscomb, Ochiltree, Roberts, Gray, Donley, Hall, Motley, Dickens, Kent, Garza, Crosby, Floyd, Briscoe, Armstrong, Carson, Hutch-  
inson, Hansford, Sherman, Moore, Potter, Randall, Swisher, Hale, Lub-  
bock, Castro, Deaf Smith, Terry, Oldham, Hartley, Dallam, Parmer,  
Hockley, Lynn, Bailey, Cochran and Yoakum.

Number 20—The counties of Jack, Wise, Tarrant and Parker.

Number 21—The counties of Johnson, Ellis and Hill.

Number 22—The counties of McLennan and Falls.

Number 23—The counties of Bell, Hamilton, Coryell and Lampasas.

Number 24—The counties of Burnet, Williamson and Travis.

Number 25—The counties of Blanco, Hays, Kendall, Comal, Guada-  
lupe, Caldwell and Llano.

Number 26—The counties of Wilson, Karnes, Atascosa, McMullen,  
Live Oak, Bee, San Patricio, Refugio, Goliad, Calhoun, DeWitt, Jack-  
son, Aransas and Victoria.

Number 27—The counties of Cameron, Hidalgo, Starr, Zapata, Enci-  
nal, Duval, Nueces, Webb, LaSalle, Dimmit, Frio, Zavalla, Uvalde, Mav-  
erick and Kinney.

Number 28—The counties of Bexar, Medina, Bandera, Kerr, Ed-  
wards, Gillespie, Mason, Kimble, Menard, Crockett, Tom Green, Presidio,  
El Paso and Pecos.

Number 29—The counties of Stephens, Eastland, Comanche, Brown,  
San Saba, McCulloch, Coleman, Callahan, Shackelford, Jones, Taylor,  
Runnels, Concho, Nolan, Fisher, Mitchell, Scurry, Howard, Borden, Daw-  
son, Martin, Gaines and Andrews.

Number 30—The counties of Palo Pinto, Hood, Somervell, Erath and  
Bosque.

Number 31—The counties of Fannin, Lamar and Red River.

Article 12. The county judges of the following counties shall receive  
returns and count the votes and issue certificates of election to persons  
receiving the highest number of votes for Senator at any election in their  
respective districts, to-wit:

First district—Tyler county.

Second district—Rusk county.

Third district—Harrison county.

Fourth district—Bowie county.

Fifth district—Hopkins county.

Sixth district—Smith county.

Seventh district—Anderson county.

Eighth district—Houston county.

Ninth district—Harris county.

Tenth district—Galveston county.

Eleventh district—Lavaca county.

Twelfth district—Washington county.

Thirteenth district—Bastrop county.

Fourteenth district—Brazos county.  
Fifteenth district—Navarro county.  
Sixteenth district—Dallas county.  
Seventeenth district—Collin county.  
Eighteenth district—Grayson county.  
Nineteenth district—Montague county.  
Twentieth district—Tarrant county.  
Twenty-first district—Ellis county.  
Twenty-second district—McLennan county.  
Twenty-third district—Coryell county.  
Twenty-fourth district—Travis county.  
Twenty-fifth district—Hays county.  
Twenty-sixth district—Goliad county.  
Twenty-seventh district—Webb county.  
Twenty-eighth district—Bexar county.  
Twenty-ninth district—Eastland county.  
Thirtieth district—Erath county.  
Thirty-first district—Lamar county.

**Representative Districts.**

Article 13 shall hereafter read as follows: Article 13. The representative districts of the State, and the number of representatives to be elected by each district, are as follows:

Number 1—The counties of Liberty, Chambers, Jefferson, Orange and Hardin shall elect one representative.

Number 2—The counties of San Jacinto and Polk shall elect one representative.

Number 3—The counties of Jasper, Tyler and Newton shall elect one representative.

Number 4—The counties of Nacogdoches and Angelina shall elect one representative.

Number 5—The counties of Sabine, Shelby and San Augustine shall elect one representative.

Number 6—The county of Rusk shall elect one representative.

Number 7—The county of Panola shall elect one representative.

Number 8—The county of Cherokee shall elect one representative.

Number 9—The county of Anderson shall elect one representative.

Number 10—The counties of Anderson and Henderson shall elect one representative.

Number 11—The counties of Camp and Upshur shall elect one representative.

Number 12—The county of Smith shall elect one representative.

Number 13—The county of Houston shall elect one representative.

Number 14—The county of Harrison shall elect one representative.

Number 15—The counties of Harrison, Panola, Rusk, Shelby, Sabine and San Augustine shall elect one representative.

Number 16—The county of Cass shall elect one representative.

Number 17—The counties of Marion, Cass, Bowie and Morris shall elect two representatives.

Number 18—The county of Red River shall elect one representative.

Number 19—The counties of Titus, Franklin and Red River shall elect one representative.

Number 20—The county of Lamar shall elect one representative.

Number 21—The county of Fannin shall elect one representative.

Number 22—The counties of Lamar and Fannin shall elect one representative.

Number 23—The counties of Lamar, Fannin and Delta shall elect one representative.

Number 24—The county of Hopkins shall elect one representative.

Number 25—The county of Hunt shall elect one representative.

Number 26—The county of Van Zandt shall elect one representative.

Number 27—The county of Grayson shall elect two representatives.

Number 28—The county of Collin shall elect one representative.

Number 29—The counties of Denton and Collin shall elect one representative.

Number 30—The county of Cooke shall elect one representative.

Number 31—The counties of Cooke and Grayson shall elect one representative.

Number 32—The county of Denton shall elect one representative.

Number 33—The county of Dallas shall elect two representatives.

Number 34—The county of Tarrant shall elect one representative.

Number 35—The counties of Dallas, Tarrant and Rockwall shall elect one representative.

Number 36—The county of Johnson shall elect one representative.

Number 37—The county of Ellis shall elect one representative.

Number 38—The county of Hill shall elect one representative.

Number 39—The counties of Johnson, Hill, Ellis and Navarro shall elect one representative.

Number 40—The counties of Hood, Erath, Bosque and Somervell shall elect two representatives.

Number 41—The counties of Young, Wise and Jack shall elect one representative.

Number 42—The counties of Palo Pinto, Stephens and Eastland shall elect one representative.

Number 43—The counties of Throckmorton, Shackelford, Callahan, Taylor, Jones, Nolan, Mitchell, Haskell, Stonewall, Kent, Garza, Lynn, Terry, Yoakum, Gaines, Dawson, Borden, Scurry, Fisher, Howard, Martin, Andrews, Archer, Wichita, Baylor, Wheeler, Oldham, Knox, King, Dickens, Crosby, Lubbock, Hockley, Cochran, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Wilbarger, Childress, Hall, Briscoe, Swisher, Castro, Parmer, Greer, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Gray, Carson, Potter, Hutchinson, Hartley, Moore, Roberts, Hemphill, Lipscomb, Ochiltree, Hansford, Sherman, Hardeman and Dallam shall elect one representative.

Number 44—The counties of Montague and Clay shall elect one representative.

Number 45—The county of Wise shall elect one representative.

Number 46—The county of Parker shall elect one representative.

Number 47—The county of Kaufman shall elect one representative.

Number 48—The county of Robertson shall elect one representative.

Number 49—The counties of Leon and Madison shall elect one representative.

Number 50—The county of Brazos shall elect one representative.

Number 51—The counties of Bell, Milam and Robertson shall elect one representative.

Number 52—The county of Grimes shall elect one representative.

Number 53—The counties of Fort Bend and Waller shall elect one representative.

Number 54—The counties of Montgomery, Walker, Trinity and Harris shall elect three representatives.

Number 55—The county of Falls shall elect one representative.

Number 56—The county of Bell shall elect one representative.

Number 57—The county of Milam shall elect one representative.

Number 58—The county of Limestone shall elect one representative.

Number 59—The county of Freestone shall elect one representative.

Number 60—The county of Navarro shall elect one representative.

Number 61—The county of McLennan shall elect one representative.

Number 62—The counties of McLennan, Limestone and Falls shall elect one representative.

Number 63—The counties of Coryell and Hamilton shall elect one representative.

Number 64—The counties of Galveston and Brazoria shall elect one representative.

Number 65—The county of Galveston shall elect one representative.

Number 66—The counties of Brazoria, Galveston, Matagorda and Wharton shall elect one representative.

Number 67—The county of Colorado shall elect one representative.

Number 68—The county of Austin shall elect one representative.

Number 69—The county of Lavaca shall elect one representative.

Number 70—The county of Fayette shall elect two representatives.

Number 71—The county of Washington shall elect one representative.

Number 72—The counties of Washington, Burleson and Lee shall elect one representative.

Number 73—The counties of Burleson and Lee shall elect one representative.

Number 74—The county of Bastrop shall elect one representative.

Number 75—The county of Travis shall elect two representatives.

Number 76—The counties of Burnet and Lampasas shall elect one representative.

Number 77—The counties of Brown and Comanche shall elect one representative.

Number 78—The county of Williamson shall elect one representative.

Number 79—The counties of Llano, San Saba, Concho, McCulloch, Coleman and Runnels shall elect one representative.

Number 80—The counties of El Paso, Edwards, Menard, Pecos, Presidio, Crockett and Tom Green shall elect one representative.

Number 81—The counties of Kinney, Dimmit, Frio, Maverick, Uvalde and Zavalla shall elect one representative.

Number 82—The counties of Atascosa, Karnes and Wilson shall elect one representative.

Number 83—The counties of Duval, Encinal, Hidalgo, Starr, Webb and Zapata shall elect two representatives.

Number 84—The counties of Bandera, Kerr, Kimble, Mason, Kendall and Medina shall elect one representative.

Number 85—The counties of Bee, LaSalle, Live Oak, McMullen, Nueces and San Patricio shall elect one representative.

Number 86—The county of Bexar shall elect two representatives.

Number 87—The counties of Aransas, Calhoun, DeWitt, Goliad, Jackson, Refugio and Victoria shall elect two representatives.

Number 88—The county of Cameron shall elect one representative.

Number 89—The counties of Blanco, Comal and Gillespie shall elect one representative.



Number 90—The county of Gonzales shall elect one representative.

Number 91—The counties of Caldwell, Guadalupe and Hays shall elect two representatives.

Number 92—The county of Harris shall elect one representative.

Number 93—The counties of Smith and Gregg shall elect one representative.

Number 94—The counties of Wood and Rains shall elect one representative.

In the several representative districts composed of more counties than one, the county judges of the following named counties shall receive the returns and issue certificates of election to the representatives elected in their respective districts; and article 14 of the Revised Civil Statutes shall read as follows:

In the first district—Jefferson county.

In the second district—Polk county.

In the third district—Tyler county.

In the fourth district—Nacogdoches county.

In the fifth district—Shelby county.

In the tenth district—Henderson county.

In the eleventh district—Upshur county.

In the fifteenth district—Rusk county.

In the seventeenth district—Bowie county.

In the nineteenth district—Titus county.

In the twenty-second district—Lamar county.

In the twenty-third district—Lamar county.

In the twenty-ninth district—Collin county.

In the thirty-first district—Grayson county.

In the thirty-fifth district—Dallas county.

In the thirty-ninth district—Ellis county.

In the fortieth district—Hood county.

In the forty-first district—Wise county.

In the forty-second district—Eastland county.

In the forty-third district—Shackelford county.

In the forty-fourth district—Montague county.

In the forty-ninth district—Leon county.

In the fifty-first district—Bell county.

In the fifty-third district—Waller county.

In the fifty-fourth district—Montgomery county.

In the sixty-second district—McLennan county.

In the sixty-third district—Coryell county.

In the sixty-fourth district—Galveston county.

In the sixty-sixth district—Galveston county.

In the seventy-second district—Burleson county.

In the seventy-third district—Burleson county.

In the seventy-sixth district—Burnet county.

In the seventy-seventh district—Brown county.

In the seventy-ninth district—Llano county.

In the eightieth district—El Paso county.

In the eighty-first district—Kinney county.

In the eighty-second district—Karnes county.

In the eighty-third district—Webb county.

In the eighty-fourth district—Bandera county.

In the eighty-fifth district—Live Oak county.

In the eighty-seventh district—Aransas county.

In the eighty-ninth district—Blanco county.

In the ninety-first district—Caldwell county.

In the ninety-third district—Gregg county.

In the ninety-fourth district—Wood county.

Article 15. In all senatorial or representative districts comprised of but one county, the county judge of that county shall receive the returns and issue the certificate of election to the senator or representative elected, as provided in article 12.

Sec. 2. The near approach of the close of the session, and the large amount of business undisposed of, creates an imperative public necessity justifying the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended.

Approved May 3, A. D. 1882.

Takes effect ninety days after adjournment.

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CHAPTER XIV.—An Act to provide for the destruction of certain engraved bonds of the State, which were never used, engraved under acts approved August 5, 1870, and April 21, 1879, and to make an appropriation therefor.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Treasurer of the State shall, in the presence of the Governor and Comptroller, burn the engraved four and five per cent bonds, with coupons attached, which were engraved under an act approved April 21, 1879, and which were never used, aggregating in amount about one million eight hundred and fifty-one thousand and eighty dollars. That the six hundred bonds for one thousand each, now stored in the vaults of the Bank of New York, shall, under the direction of the State Treasurer, be canceled in New York before their return to the Treasury Department of the State and final burning.

Sec. 2. That the Governor, Treasurer and Comptroller shall sign a written statement specifying all the bonds destroyed under this act, with the date of their burning, specifying the numbers, which shall be filed by the Treasurer, and be safely deposited and kept in the vault of the treasury.

Sec. 3. The Treasurer shall also, in the presence of the Governor and Comptroller, burn the engraved bonds with coupons attached now stored in the Governor's office, known as the International Railroad bonds, said bonds reciting, on their face, to have been issued by virtue of "An act to incorporate the International Railroad Company, and to provide for the aid of the State in constructing the same," approved August 5, 1870; some of said bonds being unsigned and some having on them the signature of Edmund J. Davis and G. W. Honey; and the Treasurer shall also keep and file a record of these bonds so destroyed, as provided in section two above.

Sec. 4. That the sum of two hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated to carry out the provisions of this act.

Sec. 5. Whereas, The coupons of the five hundred dollar bonds issued under said act bear the lithograph signature of the Governor of the State, and the interest of the State requires their immediate destruction, an emergency and an imperative public necessity exists for

suspending the rule requiring bills to be read on three several days, and for the immediate passage of this act; therefore, said rule is hereby suspended, and this act shall take effect and be in force from and after its passage.

Approved May 4, A. D. 1882.

Takes effect from passage.

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CHAPTER XV.—An Act to amend article 3602, chapter 10, title 71, of the Revised Civil Statutes of the State of Texas, relating to the hiring of county convicts.

Section 1. Be it enacted by the Legislature of the State of Texas, That article 3602, chapter 10, title 71, of the Revised Civil Statutes, shall be amended so as to read hereafter as follows:

Article 3602. Any person who may be convicted of a misdemeanor or petty offense, and who shall be committed to jail in default of the payment of the fine and costs adjudged against him, shall be hired out to any individual, company or corporation within the county of conviction, to remain in said county; and the proceeds of said hiring, when collected, shall be applied, first, to the payment of the costs, and second, to the payment of the fine, and every convict shall be entitled to a credit of fifty cents on his fine and costs for each day he may serve under such hiring, including Sundays, and he shall be discharged at any time upon payment of the balance due on his fine and costs, or upon the expiration of his term of service; his term of service in no event to be greater than one day for each fifty cents of fine and costs; provided, that in no case shall the counties be responsible to the officers for their costs. And in no case shall such convict be hired out for a longer period than two years for failure to pay a fine and costs, and on the expiration of said time, unless by his hire such fine and costs have been sooner paid off, said convict shall be finally discharged.

Sec. 2. The near approach of the end of the session creates an imperative public necessity that the rule requiring this bill to be read on three several days be suspended, and it is suspended.

Approved May 4, A. D. 1882.

Takes effect ninety days after adjournment.

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CHAPTER XVI.—An act to provide for temporary capitol buildings for the use of the several departments and branches of the State government, and to make an appropriation therefor.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Capitol Board, consisting of the Governor, Comptroller, Treasurer, Attorney-General and Commissioner of the General Land Office, be and they are hereby fully authorized and empowered to purchase or rent suitable property and buildings, or to contract with some suitable person or persons for the erection, in the city of Austin, of a suitable building or buildings for the use of the Legislature, Supreme Court, Court of Appeals, Commissioners of Appeals, Treasurer, Comptroller,

Governor, and Secretary of State, Attorney-General, Adjutant-General, Commissioner of Insurance, Statistics and History, and all the other necessary offices and places of business for the different branches of the State government (except for the Commissioner of the General Land Office); such building or buildings to be fitted up so as to be safe and comfortable for the use of such departments and officers until such time as the new State capitol building now being erected is ready for occupancy; provided, that if the board shall purchase any building the owner of said building shall execute to the Secretary of State a good bond in the amount of \$20,000, to be approved by the Secretary of State, conditioned that the said owner, or owners will repurchase the same building or buildings from the State upon the completion of the new capitol building, at the same price paid by the State for the same.

Sec. 2. The said Capitol Board, in arranging for such temporary capitol building or buildings, are hereby fully empowered to sell, or to use in any way that they may determine is for the best interest of the State, all the rock and other building material now contained in the ruins of the old capitol building, the Supreme Court building and the Treasurer's and Comptroller's building, and they are authorized to have all such buildings removed, if they think best to do so, the material, or the proceeds to be used in the construction, repair, or purchase of such temporary capitol buildings mentioned in section 1 of this act.

Sec. 3. That if such Capitol Board shall purchase property upon which to establish such temporary capitol building or buildings, or any part thereof, before making such purchase they shall cause the title to such property to be carefully examined, and all encumbrances, if any, to be removed from such title; and they shall be fully satisfied that the buildings erected, or to be erected upon such property, can be protected from fires, and can be made reasonably comfortable during all seasons of the year.

Sec. 4. That the sum of fifty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any money in the treasury not heretofore appropriated for other purposes, in order to carry out the provisions of this act; and whenever it may be necessary to pay out any of said money, the Capitol Board shall direct the Comptroller to issue his warrants upon the Treasurer for the amounts directed to be paid out, and the Treasurer shall pay such warrants upon presentation; and said Capitol Board shall make no contract involving a greater expense to the State than the amount herein appropriated.

Sec. 5. The facts that the present session of the Legislature is near its close, and that no arrangement has been made for the temporary capitol building, or buildings, for the different branches of the State government, while the new capitol building is being erected, create an imperative public necessity that the constitutional rule requiring that bills shall be read on three several days, be suspended, and an emergency that this act take effect and be in force from and after its passage, and it is so enacted.

Approved May 4, A. D. 1882.

Takes effect from passage.

CHAPTER XVII.—An act to amend articles 4662, 4664 and 4665, chapter 1, title 95, of the Revised Statutes, as amended March 24, 1881.

Section 1. Be it enacted by the Legislature of the State of Texas, That article 4662 of the Revised Statutes shall hereafter read as follows:

Article 4662. There shall be levied and collected an annual ad valorem State tax of three-tenths of one per centum of the cash value thereof, estimated in lawful currency of the United States, on all real property situated, and on all movable property owned, in this State on the first day of January of each and every year, except so much thereof as may be exempted by the Constitution and laws of this State, which cash value shall be estimated in lawful currency of the United States.

Sec. 2. That article 4664 of the Revised Statutes shall hereafter read as follows:

Article 4664. There shall be levied and collected from every male person between the ages of twenty-one and sixty years, resident within this State, on the first day of January of each year (Indians not taxed, and persons insane, blind, deaf and dumb, or those who have lost one hand or one foot, excepted), an annual poll tax of one dollar and fifty cents, one dollar for the benefit of free schools and fifty cents for general revenue purposes; provided, that no county shall levy more than twenty-five cents poll tax for county purposes.

Sec. 3. That article 4665 be so amended as to hereafter read as follows:

Article 4665. That there shall be levied on and collected from every person, firm, company or association of persons pursuing any of the following named occupations, an annual tax, except when herein otherwise provided, on every such occupation or separate establishment as follows:

From every merchant whose purchases amount to one hundred thousand dollars annually, one hundred and twenty-five dollars; from every merchant whose annual purchases amount to fifty thousand dollars, sixty dollars; from every merchant whose annual purchases amount to twenty-five thousand dollars, twenty-five dollars; from every merchant whose annual purchases amount to fifteen thousand dollars, twenty dollars; from every merchant whose annual purchases amount to ten thousand dollars, twelve dollars; from every merchant whose annual purchases amount to five thousand dollars, six dollars; from every merchant whose annual purchases amount to two thousand dollars or less, three dollars; from every commercial traveler, drummer, salesman, or solicitor of trade, by sample or otherwise, an annual occupation tax of thirty-five dollars, payable in advance; provided, that the tax herein required to be paid by such commercial traveler, drummer, salesman or solicitor shall be paid to the Comptroller of Public Accounts, whose receipts, under seal, shall be evidence of the payment of such tax; and provided further, that no county, city or town shall levy or collect any occupation tax upon such commercial traveler, drummer, salesman or solicitor; provided, that nothing herein contained shall apply to any one soliciting subscriptions for religious, literary or historical books or maps, or to persons soliciting for nurseries, newspapers and gravestones; provided further, that every commercial traveler, drummer, salesman or solicitor of trade shall, on demand of the tax collector of any county of the State, or of any peace officer of said county,

exhibit to such officer the Comptroller's receipt above mentioned; and every commercial traveler, drummer, salesman or solicitor of trade who shall fail or refuse to exhibit said receipt to such officer on demand by him, shall be deemed guilty of a misdemeanor, and fined in a sum not less than twenty-five nor more than one hundred dollars.

A merchant, in the meaning of this act, is any person, firm or association of persons engaged in buying and selling goods, wares and merchandise, of any kind whatever.

From every traveling person selling patent or other medicines, one hundred and seventy-five dollars; and no traveling person shall so sell until said tax is paid; provided, that this tax shall not apply to commercial travelers, drummers, or salesmen, making sales or soliciting trade for merchants engaged in selling drugs or medicines, who shall be taxed as other commercial drummers.

From every fortune-teller one hundred and seventy-five dollars.

From every clairvoyant or mesmerist who plies his or her vocation for money, five dollars for each and every county in which such vocation is carried on.

From every person, firm, or association of persons engaged in discounting and shaving paper, or engaged in business as money brokers or bankers, or dealers in stocks, securities or bills of exchange, or in buying and selling bonds, State or county warrants, or other claims against the State, an annual tax of sixteen dollars in a city or town of not more than two thousand inhabitants; in a city or town of five thousand and not less than two thousand inhabitants, an annual tax of forty dollars; in a city or town of ten thousand and not less than five thousand inhabitants, an annual tax of eighty dollars; in a city or town of twenty thousand and not less than ten thousand inhabitants an annual tax of one hundred and twenty dollars; in a city or town of more than twenty thousand inhabitants, an annual tax of one hundred and sixty dollars.

From every operator or owner of any daguerrean, photograph, or other such like gallery, by whatever name called, if in any incorporated city or town of less than five thousand inhabitants, six dollars; if more than five thousand inhabitants, fourteen dollars; and if elsewhere, four dollars; and from every person soliciting work for any daguerrean, photograph or such like gallery, or for persons engaged in the business of copying or enlarging pictures or photographs of any character, where such gallery is not situated in, or such business is not in the county in which he solicits such work, seven dollars.

From every auctioneer doing business in a city of ten thousand inhabitants or more, an annual tax of forty-five dollars; from every auctioneer in a city or town of five thousand and not more than ten thousand inhabitants, thirty dollars; from every auctioneer in a city or town of two thousand inhabitants and not more than five thousand, eighteen dollars; from auctioneers in all other towns or villages, twelve dollars.

From every person, firm or association of persons following the occupation of ship brokers or ship agents, if in a city or town of ten thousand inhabitants, or more, twenty dollars; if in a city or town of less than ten thousand inhabitants, seven dollars.

From every keeper of a toll-bridge, an annual tax of seven dollars.

From every person, firm or association of persons selling upon commission, an annual tax of seven dollars.

From every land agent there shall be collected an annual tax of five dollars.

The term "land agent" shall be construed to mean any person, firm or association of persons performing, for compensation, any of the following services: Purchasing or selling real estate for others; purchasing or selling land certificates for others. But this term "land agent" shall not be so construed as to levy tax upon attorneys in addition to the one hereinafter levied.

From every person practicing law and from every conveyancer, five dollars; provided, that attorneys at law shall only pay county occupation tax in the county of his or their residence.

From every physician, surgeon, oculist or medical specialist of any kind, traveling from place to place in the practice of his profession, an annual tax of forty dollars in each county where he may practice his profession.

From every dentist, five dollars.

From every other person, firm or association of persons pursuing the occupation of posting up advertising bills or notices, tacking up advertising cards or notices of tin, wood or other material, printing or lettering words or pictures on fences or other places, as a means of advertising, the sum of twenty dollars per annum for the State, and in each county in which the occupation may be pursued an annual tax of four dollars; provided, that this clause shall not be so construed as to tax persons advertising their own business.

From every person or firm keeping a shooting gallery at which a fee is paid or demanded, an annual tax of sixteen dollars in each county.

For every billiard, bagatelle, pigeon-hole, devil-among-the-tailors, or jenny-lind table, or anything of the kind used for profit, twenty dollars; and any such table used in connection with any drinking saloon or other place of business where intoxicating liquors are sold or given away, or upon which any money or other thing of value is paid, shall be regarded as used for profit.

From every person, firm or association of persons selling or offering for sale the illustrated Police News, Police Gazette, and other illustrated publications of like character, the sum of five hundred dollars in each county in which such sale may be made or offered to be made.

For any person or persons who shall sell pools on horse races, five dollars for each and every day they may so sell said pools.

For every nine or ten pin alley, or any other alley used for profit, by whatever name called, constructed or operated upon the principle of a bowling alley and upon which balls are rolled, without regard to the number of pins used, or whether pins are used or not, or whether the balls are rolled by hand or with a cue, one thousand dollars. Any such alley used in connection with any drinking saloon or any drug store, or with any drug store where intoxicating liquors are sold or given away, or upon which any money or thing of value is paid, shall be regarded as used for profit.

From all persons keeping or using for profit any hobby-horse or flying jenny, or device of that character, with or without name, sixteen dollars for each county wherein the same are kept or used.

From every foot peddler, five dollars in each county where he peddles. For every peddler with one horse or one pair of oxen, the sum of fifteen dollars in each county where he peddles. For every peddler with two horses or two pairs of oxen, thirty dollars in each county in which he may pursue such occupation; provided, nothing herein contained shall be so construed as to include traveling vendors of tin or earthen ware; pro-

vided further, that nothing herein contained shall be so construed as to include traveling vendors of literature exclusively religious in character, or traveling vendors of fruit and fruit trees exclusively.

For every theater or dramatic representation from which pay for admission is demanded or received, two dollars for each day they may perform, or fifty dollars per quarter; provided, that theatrical or dramatic representations given by performers for instruction only, or entirely for charitable purposes shall not be herein included.

For every circus, where equestrian or acrobatic feats and performances are exhibited, for which pay for admission is demanded or received, for each performance thereof, fifty dollars, notwithstanding more than one such performance may take place daily.

For every exhibition where acrobatic [feats] are performed for profit, not connected with the circus, ten dollars for each performance.

For every sleight-of-hand performance, or exhibition of legerdemain, ten dollars.

For every fight between men and bulls, or between dogs and bulls, or between bears and dogs, or between bulls and any other animals, five hundred dollars for each performance per year.

For every cock-pit, when kept for profit, or upon which any money or thing of value is bet or paid, twenty-five dollars.

For every menagerie, wax work, or exhibition of any kind, where a separate fee for admission is demanded or received, ten dollars for every day on which fees for such admission are received; provided, that exhibitions by associations organized for promotion of art, science, charity, or benevolence, shall be exempt from taxation.

For every concert, where a fee for admission is demanded or received, two dollars; provided, that entertainments when given by the citizens for charitable purposes, or for the support or aid of literary or cemetery associations, are excepted.

For every livery or feed stable, thirty cents for each stall, and thirty cents for each hack, buggy or other vehicle; for every hack, buggy or other vehicle let for hire, not connected with a livery stable, two dollars; for every wagon yard used for profit, not connected with a livery, feed or sale stable, five dollars.

From every life insurance company doing business in this State, an annual tax of three hundred dollars; and in every county in which they may do business, seven dollars as county tax.

From every fire, marine or guarantee insurance company doing business in this State, an annual tax of two hundred dollars; and in every county in which they may do business, seven dollars as county tax.

The State tax due from insurance companies shall be paid by such companies to the Comptroller of Public Accounts, whose receipt, under seal, shall be evidence of payment of State tax, and the county collector's receipt shall be authority to work in any county of this State for which such company has a receipt.

From every person, firm or association of persons dealing in lightning-rods, an annual tax of thirty-six dollars to the State, and eighteen dollars as county tax to the county in which such business is carried on; upon every person canvassing for the sale of lightning-rods, an annual tax of thirty-six dollars, and eighteen dollars as county tax to each county in which such canvassing is done.

From every person, firm or association of persons following the occupation of cotton broker, cotton factor or commission merchant, in a city of



more than five thousand inhabitants, an annual tax of thirty-five dollars, and in all other cases an annual tax of eighteen dollars; provided, that a merchant who pays an occupation tax as under section 3 of this act shall not be considered as a "cotton broker."

From every pawnbroker, an annual tax of seventy-five dollars.

From every person pursuing the occupation of a cotton buyer, five dollars; provided, that a merchant who pays an occupation tax as herein prescribed shall not be considered as a cotton buyer.

From every person, firm, agency, or association of persons, dealing in sewing machines, an annual tax of fifteen dollars to the State, and seven dollars as county tax in every county where such business may be carried on; and upon every person canvassing for the sale of sewing machines, an annual tax of fifteen dollars to the State, and seven dollars as county tax, in every county where such business may be carried on; provided, that a merchant who pays an occupation tax, as required by this section, shall not be required to pay this special tax for selling sewing machines.

From any person, firm, or association of persons, doing an express business in this State, an annual tax of five hundred dollars shall be levied and collected, this tax to be paid by such person, firm, or association of persons, doing an express business, to the Comptroller of Public Accounts, whose receipt, under seal, shall be issued to the company or companies, certified copies of which shall be evidence of the payment of the State, county and municipal occupation tax.

From every person, firm, or association of persons owning or running any palace, sleeping or dining room cars, on any railroad in this State, there shall be collected an annual tax of fifty cents per mile for each and every mile of any and all railroads in this State over which such cars may run. The tax herein due shall be paid by such person, firm, or association of persons, to the Comptroller of Public Accounts, whose receipt under seal shall be issued to the person, company or firm, certified copies of which shall be evidence of the payment of State tax; provided, that nothing herein contained shall authorize the levy of any county or municipal tax upon such person, firm or association of persons.

From every person, firm or association of persons owning or running any railroad cars, steamboats or stage coaches in this State there shall be collected quarterly on the first days of January, April, July and October of each year, a tax of three-fourths of one per centum on steamboats and stage coaches, and one-half of one per centum on railroads upon their gross receipts from all passenger travel within this State, the said gross receipts to be returned under oath by said owner, agent or manager to the Comptroller, and said tax to be collected by the Comptroller under such regulations as he may prescribe; provided, that nothing herein contained shall authorize the levy of any county or municipal tax upon such person, firm or association of persons.

From every chartered telegraphic company, doing business within this State, there shall be collected one cent for every full-rate message sent by any person within this State to any person within this State, and one-half that for any message less than a full rate message so sent. This tax to be paid quarterly to the Comptroller, on the sworn statement of the chief manager of said company or companies, or any other officer authorized by said company to make said statement, who shall keep a record of such messages; and the receipts of the Comptroller, under seal, shall be issued to said company or companies, certified copies of which shall be evidence of the payment of the State tax; provided, railroad messages for run-

ning their trains and for company use shall not be taxed; provided further, that nothing herein contained shall authorize the levy or collection of any county or municipal tax upon such chartered companies for messages sent and messages sent on official business by officers of the United States.

For each telephone company doing business in this State, an annual tax of fifty dollars, and for each county in which they may do business a county tax of ten dollars.

From each gas company, manufacturing gas in towns and cities of ten thousand inhabitants or more, thirty-five dollars; in towns and cities having less than ten thousand inhabitants, twenty dollars. Provided, that the fact that a tax is levied by this article upon bagatelle, pigeon-hole, devil-among-the-tailors, jenny-lind table or any thing of the kind used for profit, and upon any nine or ten-pin alley or other alley used for profit shall not be construed to exempt from the punishment prescribed by law any person who may violate any of the provisions of chapter three of the Penal Code; provided further, that this act shall not be construed to prevent persons or firms of persons who pay an occupation tax under this act for pursuing the occupation of a merchant in a city or town from soliciting trade within the corporation limits of said city or town where they may reside.

Sec. 4. Whereas, The various county commissioners' courts throughout the State are about to levy taxes for the present year, therefore an emergency exists that so much of this act as relates to the ad valorem and poll rate of taxation shall take effect from and after its passage, and so much as relates to occupation taxes shall take effect July 1, 1882; and an imperative public necessity requires that the rule requiring this bill to be read on three several days in each house should be suspended, and it is so enacted.

Approved May 4, A. D. 1882.

The foregoing act received a two-thirds vote in both houses.

**CHAPTER XVIII.**—An act to ascertain the deficiencies of the several departments of the State government for the year ending February 28, 1882, and for previous years, and amounts due individuals, and to make appropriations to pay the same.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the following deficiencies in the several departments of the State government for the year ending February 28, 1882, and allowance to individuals named herein, to-wit:

**Judiciary Department.**

To pay salaries of special judges.....	\$913 62
To pay registered claims for costs due sheriffs, clerks and attorneys .....	166,970 42
For services in attending on the Commissioners of Appeals for the years 1881 and 1882, to be paid in equal proportions to the sheriffs of Galveston, Smith and Travis counties.....	300 00

For purchase and rebinding of law books for Supreme Court library.....	\$1,200 00
To pay for removing Supreme Court library.....	61 50
To pay librarian for extra work of removal.....	25 00
To pay for purchase of safe.....	200 00
To pay for purchase of matting for Supreme Court building, .....	151 00
For furniture for Supreme Court rooms.....	62 50

## State Department.

For rent of book room from November 15, 1881, to February 28, 1882, at \$20 per month.....	70 00
To pay Gammel Bros. for recovering damaged books from ruins of capitol.....	80 00

## Adjutant-General's Office.

To pay for removing and guarding records and furniture saved from the burning of the capitol.....	67 75
For supplying tables, shelving and other office furniture..	257 00
For repairs on safe .....	25 00

## Legislative.

To pay Will Lambert for indexing journals of House of Representatives for regular session of Seventeenth Legislature .....	150 00
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## Penitentiaries.

For conveying prisoners to penitentiaries, to be credited on claims of the State against the sheriffs entitled to the same .....	76,215 75
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## Quarantine.

To pay quarantine claims.....	2,421 85
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## Executive.

For payment of rewards.....	6,308 92
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## Fish Commissioner.

To pay the widow of J. H. Dinkins his salary as "Fish Commissioner" from April 1, 1881, to December 18, 1881, 8 months and 18 days, at \$1500 per annum....	1,075 00
To pay salary of Fish Commissioner R. R. Robertson from December 21, 1881, to February 28, 1882, at \$1500 per annum.....	262 50

**Pensions.**

To pay pensions to Texas veterans, under special acts for year 1881.....	\$1,200 00
To pay members of Veteran Board their accounts, to be approved by the Governor.....	1,500 00

Sec. 2. The near approach of the close of the session, and the fact that many of these claims are past due and the several departments seriously hindered for want of an appropriation to pay others of them, creates an emergency and an imperative public necessity that the constitutional rule requiring this bill to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved May 4, A. D. 1882.

Takes effect from its passage.

**CHAPTER XIX.—Joint Resolution providing for an election to be held for the location of a branch of the University, for the instruction of the colored youths of the State.**

Whereas, The Constitution of the State provides that there shall be a branch of the University of Texas established for the instruction of the colored youths of the State, and that the same shall be located by a vote of the people:

Section 1. Be it Resolved [by the Legislature of the State of Texas,] That the Governor is hereby instructed to issue his proclamation ordering an election to be held throughout the State, upon the day of the next general election, to-wit, on the first Tuesday after the first Monday in November, 1882, for the location of a branch of the State University, for the instruction of colored youth; and returns of said election to be made in the manner prescribed by the general election law.

Sec. 2. All localities put in nomination for the location of the colored branch of the State University shall be forwarded to the Governor at least forty days before the holding of said election, and the Governor shall embrace in his proclamation ordering said election the names of said localities; provided, that any citizen may vote for any locality not named in said proclamation.

Sec. 3. The locality receiving the largest number of votes shall be declared selected as the location of the branch of the University for the instruction of the colored youth of the State, and said institution shall be located at such place.

Sec. 4. The near approach of the end of the session creates an imperative public necessity that the rule requiring this bill to be read on three several days be suspended, and it is suspended.

Approved May 5, A. D. 1882.

Takes effect ninety days after adjournment.

CHAPTER XX.—An act making appropriations for support of the State government for the period of time beginning March 1, 1882, and ending February 28, 1883.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following sums, or so much thereof as may be necessary, be and they are hereby appropriated out of any moneys in the treasury not otherwise appropriated for the support of the State government, for the period of time beginning March 1, 1882, and ending February 28, 1883:

For completing work at and buying machinery for the Rusk penitentiary, one hundred thousand dollars. ....	\$100,000 00
For completing work at and buying machinery for the Huntsville penitentiary, fifty thousand dollars. ....	50,000 00
To enable the Penitentiary Board to carry on and pay the expenses of the penitentiary, should the State resume control of same, but the appropriation to be expended in no other event, forty thousand dollars. ....	40,000 00
For settling with Messrs. Cunningham and Ellis, penitentiary lessees, such amount as may be due them upon adjustment at the termination of their present lease, forty thousand dollars. ....	40,000 00
For library at Huntsville penitentiary, the unexpended appropriation made for 1881, five hundred dollars. ....	500 00
For three additional clerks in Treasurer's office, to attend to the sale, etc., of school, University and asylum lands, one clerk to receive per year twelve hundred dollars. ....	1200 00
one clerk to receive per year, one thousand dollars. ....	1000 00
one clerk to receive per year, nine hundred dollars. ....	900 00
For making fire-proof ceiling in General Land Office, six thousand dollars. ....	6,000 00
For the purchase of such legal elementary works as may be necessary, to be selected by the judges of the Commission of Appeals, five hundred dollars. ....	500 00
For books, furniture and safe for the Attorney-General's office, to supply place of those lost by recent fires, five hundred dollars. ....	500 00
To pay Tom Murrah, agent for owner, for rent of rooms Nos. 6 and 8, second floor Brueggerhoff building, to April 30, 1882, occupied by Adjutant-General, one hundred and six dollars sixty-six and two-thirds cents. ....	\$106 66 $\frac{2}{3}$
And for room No. 11, same floor, occupied same length of time by Capitol Commissioners, fifty three dollars and thirty-three and one-third cents. ....	53 33 $\frac{1}{3}$
And for store-room in Krohn building, same time, occupied by Secretary of State, one hundred and six dollars and sixty-six and two-thirds cents. ....	106 66 $\frac{2}{3}$
Two hundred and sixty-six dollars and sixty-six and two-thirds cents. ....	266 66 $\frac{2}{3}$
For additional room rent for books for Secretary of State, sixty dollars. ....	60 00
For purchase of iron safe, Secretary of State's office, three hundred dollars. ....	300 00
For purchase of furniture, Secretary of State's office, two hundred and fifty dollars. ....	250 00

For salary of Fish Commissioner, fifteen hundred dollars..	\$1,500 00
For building a disinfecting warehouse at Galveston for quarantine purposes, to be expended by State Health Officer, and the warehouse to remain under his control, sixteen thousand dollars.....	16,000 00
provided, the citizens of Galveston shall contribute an additional amount sufficient to erect such warehouse as in the judgment of the Health Officer will subserve the purpose intended, otherwise the sixteen thousand dollars here appropriated shall not be expended.	
For construction and repairs of quarantine stations at Galveston, Brazos Santiago, Aransas Pass, Pass Cavallo, Orange, Sabine Pass, and such other points as may be found necessary, the unexpended balance of last year's appropriation for same purpose, four thousand dollars..	4,000 00
For purchasing provisions and supplies for Lunatic Asylum in addition to the appropriation for the year ending February 28, 1883, six thousand five hundred dollars.....	6,500 00
To C. F. Millett, for fixing up Senate chamber, and for furniture for same, thirteen hundred and eighty-nine dollars and sixty-six cents .....	1,389 66
To Travis Lodge 1005, Knights of Honor, and Lone Star Lodge No. 1, Ancient Order of United Workmen, for rent of Senate chamber, and repairs, from March 27 to May 10, 1882, seven hundred and thirty-seven dollars and fifty cents .....	737 50
For completing improvements at Rusk penitentiary, water supply, drainage and heating, it being the unexpended balance of the appropriation for same purpose, made in 1881, twenty-seven thousand dollars .....	\$27,000 00
For the payment of teachers to be employed by the State board of education for the purpose of teaching the summer normal schools, the sum of three thousand dollars..	3,000 00
For paying pensions to Texas veterans under special acts, twelve hundred dollars .....	1,200 00
For roofing the uncovered galleries of the new building of the blind asylum, and for furnishing blinds for windows, nineteen hundred and forty-five dollars.....	1,945 00
To provide efficient sewerage for the lunatic asylum, State University, State Capitol, and institute for the blind, forty-five thousand dollars .....	45,000 00
To purchase hot-air apparatus for heating the institute for the blind, to be expended under direction of board of managers and superintendent, twenty-five hundred dollars	2,500 00
For additional porter hire for Supreme Court, one hundred and eighty dollars .....	180 00
For furniture for Supreme Court room and library, one hundred and twenty-five dollars.....	125 00
For watchman of such building or buildings as may be provided for the State government, said watchman to be under direction of the superintendent of public buildings and grounds, who shall have charge of such building or buildings, one hundred and eighty dollars.....	180 00
To C. F. Millett for rent of Representative Hall from first of April to ninth of May, 1882, inclusive.....	800 00

To C. F. Millett for fitting up Opera House, and for furniture constructed, two thousand three hundred and fourteen dollars and six and two-third cents.....	\$2,314 06 $\frac{2}{3}$
For purchase of safe for Department of Insurance, Statistics and History, two hundred dollars.....	200 00
For payment of clerical assistance in compiling statistics to be taken out of the unexpended balance of appropriation for dissemination of statistics made by act approved April 1, 1881, seven hundred and fifty dollars.....	750 00

Sec. 2. Whereas, the near approach of the close of this session of the Legislature and the fact that these appropriations are made necessary by the recent disastrous fire which destroyed much public property, and because the public institutions here provided for are needed at once for the public good, creates an imperative public necessity and emergency that the constitutional rule requiring bills to be read on three several days be suspended and that the act take immediate effect and it is so enacted that said rule be suspended and that this act be in force from and after its passage.

Approved May 5, A. D. 1882.

Takes effect from passage.

## CHAPTER XXI.—An act to further provide for the supervision and management of the construction of the new State Capitol building and to make an appropriation therefor.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Capitol building Commissioners shall be required to give their constant supervision to the construction of the new State capitol building, and to perform all duties required of them by the contract existing between the State of Texas and the contractors.

Sec. 2. It shall be the duty of the commissioners to employ competent draughtsmen who, in the presence of the commissioner, shall make tracings from the original plans of the capitol buildings for the use of the contractors, which tracings shall be approved in writing by the designing architect and the commissioners. The cost of said tracings shall be paid upon the certificate of the commissioners, with the approval of the Governor, out of any money in the treasury not otherwise appropriated.

Sec. 3. The commissioners shall purchase such necessary books and stationery as will be required in the full performance of their duties. They shall also purchase a suitable fire-proof safe, in which all records and samples of materials shall be kept. They shall also be authorized, when it may be necessary, to rent a suitable room, or rooms, for their office. To carry out the provisions of this section, the sum of five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated.

Sec. 4. There shall be appointed by the Governor, Comptroller, State Treasurer, Attorney-General and Commissioner of the General Land Office, acting as a board, a secretary, who shall be a competent accountant, who, before entering upon the duties of his office, shall enter into bond, with two or more good securities, in the sum of ten thousand dollars, conditioned for the faithful performance of his duties under this act, payable to the State of Texas, to be approved by the Governor and

filed in the office of the Comptroller, and shall also take and subscribe the following oath, to be endorsed on said bond, to be administered by any one authorized to administer oaths, to-wit: "I, A. B., do solemnly swear that I will not, directly or indirectly, be interested or concerned with any contractor or contractors for the erection of the State capitol, or any portion thereof, or in the proceeds or profits growing out of the same, or any work or labor done thereon, or material furnished in the erection of the same, or any part thereof, during the term for which I am appointed, so help me God." And, should the said officer offend against the true intent and meaning of this oath, he shall, upon indictment and conviction, suffer all the pains and penalties of perjury; and in case of a violation of the conditions of the bond provided for, he shall be liable to an action thereon in the district court of Travis county and a judgment for such damages as may be awarded against the obligors thereto by the reason of the failure of the principal.

Sec. 5. It shall be the duty of said secretary, as soon as he shall have qualified as provided for in the foregoing section, to keep a full record of all the proceedings of said commissioners. He shall be custodian of all the papers and samples of material, and shall examine all the accounts that the contractors are required by the contract to exhibit to the State. He shall carry on all correspondence, including that between the contractors and commissioners, and shall keep a true and correct copy of the same. He shall also be required to keep an accurate account of all material delivered upon the capitol grounds, and shall accompany the commissioners in their examination of the same, and make a written description in detail of the material examined by the commissioners and record the same in a well bound book. He shall be required to furnish the contractors with a certified statement showing the materials that the commissioners deem to be in accordance with the specifications and contract, and to inform the contractors in writing of any material not suitable for the uses and purposes intended and required by the contract. He shall perform such other duties as may be required of him by the commissioners for the purpose of strictly and fully enforcing all the provisions of the plans, specifications and contract between the State and the contractors. He shall prepare for and furnish to each regular session of the Legislature a printed report and history of the proceedings and work of the commissioners in every particular. The papers, accounts and books of said secretary shall at all times be open to the inspection of any member of the Legislature, the heads of departments and the commissioners.

Sec. 6. The superintendent of construction shall be required to give a bond, conditioned in the same terms, payable to the State of Texas, and for the same amount as required of the secretary in this act. He shall also take and subscribe the same oath as required of the secretary by this act. He shall at all times act under the directions of and be subject to the control of the commissioners. The superintendent shall devote his whole time to the performance of his duties hereunder, and shall, during the time of his employment hereunder, take no work nor employment from other persons.

Sec. 7. The superintendent of construction shall receive an annual salary of twenty-five hundred dollars, the commissioners shall receive a like salary of eighteen hundred dollars each, and the secretary a like salary of eighteen hundred dollars, to be paid only while the work of constructing the capitol is in progress.



Sec. 8. The sum of twelve thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated for the purpose of carrying out the objects of this bill.

Sec. 9. All laws and parts of laws in conflict with the provisions of this act are hereby repealed; provided, this act shall not be construed to relieve any one of any duty imposed by the act to provide for building the new State capitol, approved April 18, 1879.

Sec. 10. Whereas, the progress of this important work now requires constant attention, and there is an imperative public necessity that an accurate record of the same be kept, and that the State may not be the cause of any delay in the constructing and completion of the capitol building, an emergency is created requiring the constitutional rule which requires a bill to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved May 5, A. D. 1882.

Takes effect from passage.

**CHAPTER XXII.**—An act to provide for the publication and binding of one thousand copies of the Revised Statutes, Penal Code, and Code of Criminal Procedure of the State of Texas, with the Constitutions and appendix thereto, and to make an appropriation therefor.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Secretary of State be and he is hereby authorized to have printed and bound one thousand copies of the Revised Statutes, Penal Code, and Code of Criminal Procedure of the State of Texas, with the Constitutions and appendix thereto; provided, that the same be done in a good and workmanlike manner, and of material equal to the fifty-fourth volume of Texas Reports, and at a price not to exceed two dollars per copy.

Sec. 2. That the sum of two thousand dollars be and is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, to defray the expenses of such publication.

Sec. 3. The fact that the first edition of the Revised Statutes has been destroyed by fire in the burning of the State capitol, creates an imperative public necessity and an emergency requiring the constitutional rule requiring bills to be read on three several days, be suspended, the same is hereby suspended, and that this act take effect from and after its passage, and it is so enacted.

Approved May 5, A. D. 1882.

Takes effect from passage.

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**CHAPTER XXIII.**—An act for the relief of persons, firms or associations of persons who have procured license and complied with the law authorizing them to pursue the occupation of liquor dealers where they have been, or may be, prevented from pursuing such occupation on account of the adoption of local option, and to make an appropriation therefor.

Section 1. Be it enacted by the Legislature of the State of Texas, That in all cases where, under the acts of the Seventeenth Legislature,

approved March 11, 1881, and April 4, 1881, any person, firm or association of persons have procured a license authorizing them to pursue the occupation of liquor dealers, and before the expiration of the time for which such license was granted, they have been or shall be prevented from pursuing such occupation by the adoption of local option in any county, justice's precinct, town or city, a proportionate amount of the taxes paid by them for the unexpired time of such license shall be refunded to them.

Sec. 2. That any person entitled to the benefit of this act may apply to the commissioners' court of the county where such license was issued for relief, and upon satisfactory proof before said court, an order shall be made for his or their relief, and a certified copy of said order by the clerk to the applicant for relief, stating amounts of State, county and city taxes due, shall be sufficient voucher to the Comptroller, county and city treasurer, to refund the amount certified to be due by virtue of said order.

Sec. 3. That the sum of five thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the purpose of carrying out the provisions of this act.

Sec. 4. Whereas, Many persons in this State are entitled to have money refunded to them under the provisions of this act, and will be compelled to do without the amounts to which they are entitled for three months unless this act takes effect from passage; and,

Whereas, The early adjournment of this session renders it impossible to read this bill on three several days, therefore an emergency exists, and an imperative public necessity requires that the rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved May 5, A. D. 1882.

Takes effect from passage.

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CHAPTER XXIV.—An act to release certain inhabitants of Plano, county of Collin, from the payment of taxes assessed and now due for the year A. D. 1881, in consequence of a great public calamity.

Whereas, On the night of the twenty-seventh day of August, 1881, there occurred in the village of Plano, in Collin county, State of Texas, a terrible public calamity, the same being a sweeping and destructive conflagration, such as seldom occurred; within a few short hours every business house in the town, save one, and nine-tenths of the dwelling houses of said town succumbed to the fury of the flames, and the inhabitants thereof, almost in the twinkling of an eye, were robbed by the fiery element of every vestige of property, household goods and clothing, deprived of their habitations and left with only the consolation of their good names; and

Whereas, The deluge of fire, in proportion to the size of the visitation, was even more terrible than that which razed to the ground Chicago, the great metropolis of the northwest, and was almost as disastrous in the effects of its ravages as the showers of flame and lava that overwhelmed

the cities of Herculaneum and Pompeii, and it is the duty of all governments to alleviate the distress of its citizens, occasioned by act of Providence and otherwise than by sloth; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, (two-thirds of each house, by a vote, concurring therein), That the following named inhabitants of said county, to-wit, in the town of Plano, Collin county, the same being sufferers from the conflagration, be and they are hereby released from the payment of the several sums named, the same being the amount of State and county taxes assessed against them and now due for the year A. D. 1881, to-wit:

G. F. Flowers .....	\$ 2 50
L. Butler .....	40 90
Harvey Graham .....	2 50
Floyd Bros. & Moore .....	18 75
C. M. Rice .....	22 60
H. S. Murray .....	37 90
J. M. Skelton & Co. ....	3 75
J. M. Skelton .....	3 00
W. S. Skelton .....	20 15
F. M. Bowen .....	\$20 50
L. W. Oglesby .....	46 62
L. W. Oglesby, for M. M. O. ....	13 50
L. W. Oglesby, for Gaston & Thomas .....	15 75
C. C. Dewey .....	6 55
Chaddict & Williams .....	41 25
D. O. Williams .....	12 18
B. F. Word .....	2 40
J. T. Kendrick .....	28 68
W. A. Honaker .....	28 75
Mrs. Amanda Hays .....	
L. N. Housewright .....	37 55
W. B. Blaylock .....	23 13
Fred. Schemeffing .....	20 73
Livingston & Co. ....	17 65
C. J. E. Kellner .....	26 13
W. A. Florence .....	4 93
B. B. Fowler .....	14 88
W. L. Maroney .....	33 33
Plano Lodge, F. A. M. ....	6 00
N. A. Moore .....	3 55
J. M. Gee .....	7 00
H. B. Baldridge .....	4 72
M. M. Fagan .....	14 13
John B. Kelper .....	4 73
John Hardeman .....	3 75
John T. Martin .....	14 58
John Alexander .....	5 63
Lona Forman .....	11 20
Rogers & Harrington .....	4 50
Luke Parmer .....	7 50
J. O. Flock .....	23 44
F. J. Vance .....	16 74
Chas. Lamm .....	27 55

Lovelace & Hudson .....	\$46 63
Andrew Wetzel .....	19 53
Mrs. L. M. Dewey .....	8 85
W. H. Chaddict .....	12 78
R. T. Shelton .....	4 60
Kendrick, Oston & Hucker .....	133 28
Kendrick & Oston .....	24 00
John Hayes .....	3 40
Chaddict & Sherwood .....	12 50
R. P. Coffey .....	7 75
W. B. Blalock & Bro. ....	18 75
Mrs. P. R. Rudy .....	7 88
J. R. Kepler .....	14 87
S. B. Chamberlain .....	9 55
W. S. Forman & Bro. ....	16 45
J. P. Coffey .....	18 73
Plano Lodge, No. 114 .....	1 50
Fred. Metzger .....	5 53
Mrs. S. A. Lyles .....	1 12
John Bell .....	1 50
A. Y. Lewis .....	8 80
John A. Mormon .....	82 55
H. C. Overaker .....	33 18
J. S. Chaddict .....	4 75
D. R. McCulloch .....	19 15
W. Byrd .....	1 12
C. N. Yancey .....	25 08
S. L. Harrington .....	71 70

And that the several sums of taxes against said persons respectively be and the same are hereby remitted.

Sec. 2. That the Comptroller of Public Accounts of this State and the county treasurer and commissioners' court of Collin county be, and they are hereby authorized and required, to credit the tax collector of Collin county with the several sums herein and hereby released; the said Comptroller to credit him with the said several amounts of State tax, and said treasurer and commissioner's court to credit him with the several amounts of county tax, in his settlement with them for taxes collected by him for the year 1881, by deducting the same from the aggregate of the tax lists now in his hands for collection for the said year; and said tax collector be and he is hereby released from collecting said several sums, or any part thereof, from the said several persons hereby relieved; and if the said tax, or any part of the same, shall have been collected by the said collector of taxes for Collin county, then and in that case the said collector is hereby required to refund said amounts of the said tax to the persons having paid the same.

Sec. 3. An imperative necessity and emergency exists which requires the immediate passage and taking effect of this act, as the tax collector is required by law to collect said several sums of taxes by seizure and levy from the said persons if the same be not paid by the first day of —, 1882, and the several inhabitants may not, in consequence thereof, be benefited by this act, as intended; therefore, be it enacted that this act take effect and be in force from and after its passage.

Approved May 6, A. D. 1882.

Takes effect from passage.

**CHAPTER XXV.**—An Act to authorize the Secretary of State to purchase for the use of the State, the Texas Reports, and to contract for the relinquishment of the copyright of said reports with persons owning the same, and to prevent the copyrighting of future volumes of said reports to the exclusion of the State, and to make an appropriation therefor.

**Section 1.** Be it enacted by the Legislature of the State of Texas, That the Secretary of the State of Texas be and he is hereby authorized to purchase for the use of the State a sufficient number of the volumes of the Texas Reports, including Dallam's Decisions, now in print, which, together with those now on hand and belonging to the State, will make complete sets of three hundred volumes of each of the reports for which there are no plates in existence, and two hundred volumes each of those for which plates are in existence.

**Sec. 2.** That the character of work, binding, style of type, weight and quality of paper, shall be as in volume fifty-two of the Texas Reports, except volumes four to fourteen inclusive, which may be Sayles' edition.

**Sec. 3.** That the Secretary of State be and he is hereby authorized to pay not exceeding four dollars per volume for each of said reports; provided, that reports from plates of the thirty volumes now in existence shall not cost exceeding three dollars per volume, and the Secretary of State shall not purchase exceeding two hundred copies of said volumes; and that before making said contract, the Secretary be and he is hereby authorized to require that said publishing house file in his office a relinquishment to the State of Texas of the copyright on each volume of said reports, to take effect three years after the date of such contract, so that thereafter no person shall have the exclusive copyright of said reports, but the right to print, publish and sell the same shall thereafter be free to all; and that no person shall hereafter be authorized to take out a copyright to any of said reports, or to any Texas Reports hereafter to be issued, except for the State.

**Sec. 4.** That said reports shall be delivered by said publishing house within three years after the making of said contract, in such quantities and at such times as may be required by the Secretary of State, and the same shall be paid for when delivered, out of any funds in the treasury not otherwise appropriated. The sum of thirty thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of paying for said reports; provided, that the publisher contract with the Secretary of State that after the execution of the contract mentioned, he will, for all time to come, supply all purchasers with the reports at a sum not exceeding four dollars per volume.

**Sec. 5.** In order to carry into effect the provisions of this act, and to secure the State in its faithful execution, the Secretary of State is authorized to require of said publishing house the execution and filing in his office of a bond, payable to the State, in the sum of fifteen thousand dollars, with two or more good and sufficient securities, conditioned for the faithful performance of the conditions of his contract under this act.

**Sec. 6.** There being no complete set of Texas Reports now on hand in the office of the Secretary of State, and there being a demand therefor, creates an emergency that this act take effect and in force from and after its passage; and the fact that the session of the Legislature is rap-

idly drawing to a close, and the necessity that some measure be provided to supply the State with reports, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and it is so enacted.

Approved May 6, A. D. 1882.

Takes effect from passage.

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**CHAPTER XXVI.**—An act to prohibit railroad companies, their officers, agents and employees from making excessive charges for carrying and transporting freight, goods, wares and merchandise, and to require said companies, their officers, agents and employees to deliver freight, goods, wares and merchandise on the payment of the freight charges due as shown by the bill of lading, and provide penalties for the violation of this act.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be unlawful for any railroad company in this State, its officers, agents or employees, to charge and collect, or to endeavor to charge and collect, from the owner, agent or consignee of any freight, goods, wares and merchandise, of any kind or character whatever, a greater sum for transporting said freight, goods, wares and merchandise than is specified in the bill of lading.

Sec. 2. That any railroad company, its officers, agents or employees having possession of any goods, wares and merchandise, of any kind or character whatever, shall deliver the same to the owner, his agent or consignee, upon payment of the freight charges as shown by the bill of lading.

Sec. 3. That any railroad company, its officers, agents or employees that shall refuse to deliver to the owner, agent or consignee, any freight, goods, wares and merchandise, of any kind or character whatever, upon the payment, or tender of payment, of the freight charges due as shown by the bill of lading, the said railroad company shall be liable in damages to the owner of said freight, goods, wares or merchandise, to an amount equal to the amount of the freight charges for every day said freight, goods, wares and merchandise is held after payment, or tender of payment, of the charges due as shown by the bill of lading, to be recovered in any court of competent jurisdiction.

Approved May 6, A. D. 1882.

Takes effect ninety days after adjournment.

**CHAPTER XXVII.**—An Act to amend section eight of an act to amend the caption and sections one, two, three, four, five, six, seven and eight of an act entitled “An act to provide for the sale of alternate sections of lands in organized counties, as surveyed by railroad companies and other works of internal improvements, and set apart for the benefit of the common school fund; to provide for the investment of the proceeds, and to repeal all laws in conflict therewith,” approved July 8, 1879, and to provide for the sale of such land in unorganized counties.

Section 1. Be it enacted by the Legislature of the State of Texas, That section 8 of the above entitled act, approved April 6, 1881, be so amended as hereafter to read as follows:

Section 8. That so soon as the application above named has been received by the surveyor, the applicant shall execute his obligation or promissory note for the balance of the appraised value of the land he desires to purchase, agreeing and stipulating to pay to the Governor of the State of Texas, and his successors in office, on the first day of January of each year, one-twentieth of the amount of his obligation or promissory note, with eight per cent interest on the full amount of the principal unpaid at the date of each payment of interest, giving in said obligation such description of the land purchased as is contained in his application; provided, that the purchaser may have the privilege of paying the entire amount of the appraised value of said land at the date of purchase, or such amount of principal and interest as may be due at any time subsequent to the execution of his obligation or promissory note; and provided further, that any payment of principal may be deferred for one or more years except the first one-twentieth; but all payments of both principal and interest must be paid inside of twenty years, and all interest must be paid annually on or before the first day of March of each day [year]. When any land sold under the provisions of this act shall be timbered land, no person shall have the right to cut and remove any of the timber therefrom until the purchase money has been paid in full; and no pine timbered land shall be sold for less than five dollars per acre; and so much of any laws now in force as authorize the sale of pine timbered lands for less than five dollars per acre, is hereby repealed.

Sec. 2. The near approach of the close of the present session of the Legislature creates an imperative public necessity and an emergency that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

Approved May 6, A. D. 1882.

Takes effect from passage.

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**CHAPTER XXVIII.**—Joint Resolution granting leave of absence to the Hon. J. D. McAdoo, County Judge of Washington county, and the Hon. J. H. Davis, County Judge of Franklin county, and the Hon. John C. Robertson, Judge of the Seventh Judicial District, and the Hon. William Charlton, County Judge of Kaufman county.

Section 1. Be it resolved by the Legislature of the State of Texas, That the Hon. J. D. McAdoo, County Judge of Washington county, and

the Hon. J. H. Davis, County Judge of Franklin county, and the Hon. John C. Robertson, Judge of the Seventh Judicial District, and the Hon. William Charlton, County Judge of Kaufman county, be and they are hereby granted leave of absence from the State of Texas from the date of the passage of this joint resolution until the first day of September, A. D. 1882.

Sec. 2. The precarious state of the health of the said judges, and the importance that they receive the benefits of this joint resolution at once, creates an imperative public necessity justifying the suspension of the constitutional rule requiring this joint resolution to be read on three several days, and said rule is suspended; and an emergency exists that this resolution take effect and be in force from and after its passage, and it is so enacted.

Passed May 5, 1882.

Takes effect from passage.

The foregoing act was presented to the Governor of Texas for his approval on the fifth day of May, 1882, and was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.

(Signed)

T. H. BOWMAN, Secretary of State.

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CHAPTER XXIX.—An Act to supply the deficiency for the support and maintenance of the Prairie View Normal Institute, and to purchase library, wagon, mules and cows, and to pay for repairs heretofore made, and for damages to said institute caused by the late storm, and to make an appropriation therefor.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of four thousand, five hundred and thirty-seven dollars and thirty-two cents be appropriated out of any moneys in the State treasury, not otherwise appropriated, for the support and maintenance of the Prairie View Normal Institute for the year ending August 31, 1882; the sum of six thousand dollars for the year ending August 31, 1883, same being the balance of the appropriation unpaid, heretofore made out of the University fund, and being in lieu thereof.

Sec. 2. That the sum of two thousand dollars be appropriated out of any moneys in the State treasury, not otherwise appropriated, to pay for library, wagon and mules, and for repairs to the said building of said institute that existed prior to the late storm, and that this appropriation is in lieu of an appropriation heretofore made for the same purpose by act approved April 1, 1881.

Sec. 3. That the sum of twelve hundred dollars be appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay for repairs of said institute for damages sustained by the late storm, and the further sum of one hundred and fifty dollars, for the purchase of milch cows for the use of the institution, is hereby appropriated out of any money in the treasury not otherwise appropriated.

Sec. 4. The several sums herein appropriated may be drawn by warrant of the Comptroller on the treasury, on proper vouchers, approved by the directors of said institution.



Sec. 5. The fact that said institute is without the means requisite for its maintenance and support for the present session, and without the funds to pay for said repairs, creates an imperative public necessity that the rule requiring bills to be read on three several days prior to their passage be suspended, and an emergency exists that this act take effect and be in force from and after its passage, and it is so enacted.

Passed May 3, 1882.

Takes effect from passage.

The foregoing act was presented to the Governor of Texas for his approval on the third day of May, A. D. 1882, and was not signed by him, nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.

(Signed)

T. H. BOWMAN, Secretary of State.

### CHAPTER XXX.—An Act to apportion the State of Texas into congressional districts.

Section 1. Be it enacted by the Legislature of the State of Texas, That until otherwise provided by law the State of Texas shall be apportioned into the following congressional districts, each of which shall be entitled to elect one member to the Congress of the United States.

Sec. 2. The following counties shall compose the first district, to-wit: Harris, Chambers, Liberty, Jefferson, Orange, Hardin, Waller, Montgomery, Grimes, Walker, Polk, Tyler, Jasper, Newton, San Jacinto, Brazos, Madison, Trinity and Angelina.

Sec. 3. The following counties shall compose the second district, to-wit: Robertson, Leon, Houston, San Augustine, Sabine, Freestone, Anderson, Cherokee, Nacogdoches and Henderson.

Sec. 4. The following counties shall compose the third district, to-wit: Panola, Harrison, Rusk, Gregg, Smith, Wood, VanZandt, Upshur, Camp, Hunt, Shelby and Rains.

Sec. 5. The following counties shall compose the fourth district, to-wit: Cass, Marion, Bowie, Red River, Morris, Titus, Franklin, Lamar, Delta, Fannin and Hopkins.

Sec. 6. The following counties shall compose the fifth district, to-wit: Grayson, Collin, Cooke, Denton, Wise, Montague, Clay, Rockwall, Wichita, Wilbarger, Archer and Baylor.

Sec. 7. The following counties shall compose the sixth district, to-wit: Ellis, Kaufman, Dallas, Tarrant, Hill, Johnson and Bosque.

Sec. 8. The following counties shall compose the seventh district, to-wit: Galveston, Brazoria, Fort Bend, Wharton, Matagorda, Jackson, Calhoun, Victoria, Goliad, Refugio, Bee, San Patricio, Nueces, Duval, Cameron, Hidalgo, Starr, Zapata, Encinal, Webb, McMullen, LaSalle, Dimmit, Aransas, Maverick, Zavalla, DeWitt and Frio.

Sec. 9. The following counties shall compose the eighth district, to-wit: Austin, Lee, Fayette, Colorado, Lavaca, Gonzales, Caldwell, Hays, Guadalupe, Wilson, Karnes, Live Oak and Atascosa.

Sec. 10. The following counties shall compose the ninth district, to-wit: Washington, Burleson, Milam, Bell, Falls, McLennan, Limestone and Navarro.

Sec. 11. The following counties shall compose the tenth district, to-wit: Travis, Comal, Blanco, Bexar, Medina, Bandera, Uvalde, Kinney, Edwards, Kerr, Kendall, Gillespie, Kimble, Burnet, Llano, Mason, Menard, Lampasas, McCulloch, Concho, Coleman, Runnels, Bastrop, Williamson, Crockett and San Saba.

Sec. 12. The following counties shall compose the eleventh district, to-wit: Parker, Hood, Somervell, Coryell, Hamilton, Brown, Comanche, Erath, Eastland, Palo Pinto, Stephens, Jack, Young, Throckmorton, Shackelford, Callahan, Taylor, Jones, Haskell, Knox, Nolan, Mitchell, Howard, Martin, Andrews, Gaines, Dawson, Borden, Scurry, Fisher, Stonewall, Kent, Garza, Lynn, Terry, Yoakum, Cochran, Hockley, Lubbock, Crosby, Dickens, King, Cottle, Motley, Floyd, Hale, Lamb, Bailey, Tom Green, Pecos, Presidio, Childress, Swisher, Deaf Smith, Donley, Gray, Oldham, Hutchinson, Lipscomb, Sherman, Hall, Castro, Randall, Collingsworth, Carson, Hartley, Roberts, Ochiltree, Dallam, Greer, Biscoe, Farmer, Armstrong, Wheeler, Potter, Moore, Hemphill, Hardeman, Hansford and El Paso.

Sec. 13. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Passed April 29, A. D. 1882.

Takes effect ninety days after adjournment.

The foregoing act was presented to the Governor of Texas for his approval on the twenty-ninth day of April, A. D. 1882, and was not signed by him, nor returned to the house in which it originated with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.

(Signed)

T. H. BOWMAN, Secretary of State.

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## CHAPTER XXXI.—An Act to suspend the collection of taxes due in the organized counties from the year 1871 to 1876, inclusive.

Whereas, the list of lands furnished by the Comptroller to collectors upon taxes assessed from the year 1871 to 1876 were compiled from old and inaccurate records; and, whereas, the taxes have been paid on many of these lands by the owners in good faith, who, through ignorance, have rendered the name of the original grantee incorrectly; and, whereas, if relief be not had from these forced sales by legislative action, owners who have paid their taxes in good faith will be forced to expensive litigation to remove clouds from their titles; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the Comptroller of Public Accounts be, and he is hereby required, to suspend further collection of taxes apparently due in the organized counties from the years 1871 to 1876, inclusive, until accurate lists of taxes for said years can be furnished the county collectors.

Sec. 2. The fact that about forty counties have been furnished their lists and are proceeding to collect this tax, creates an imperative public necessity justifying the suspension of the constitutional rule requiring this bill to be read on three several days, and said rule is suspended; and an emergency exists that this act take effect and be in force from and after its passage, and it is so enacted.

Approved May 16, 1882.

Takes effect from passage.

**CHAPTER XXXII.—An Act to provide for supplying the public buildings and grounds of the State with water, and to make an appropriation therefor.**

Section 1. Be it enacted by the Legislature of the State of Texas: That the Governor of said State, the presidents of each of the boards of managers or trustees of the lunatic, deaf and dumb, and blind asylums, the two commissioners for the building of the capitol, and the president of the board of regents of the State University, be and they are hereby fully empowered and authorized to contract, subject to the terms and conditions hereinafter stated, with responsible parties, for supplying the lunatic, deaf and dumb, and blind asylums, the Governor's mansion, the General Land Office, and the State cemetery, with water, and also for supplying the new capitol and university buildings, and grounds belonging thereto, as soon as these buildings are completed, or a necessity for water thereat arises.

Sec. 2. The contract hereby authorized to be made shall not extend for a longer period than ten years from the date of its execution.

Sec. 3. That the contractors shall guarantee not less than four effective fire streams, one hundred feet high, at the same time at each of said asylums, and shall further guarantee the mains and pipes to be of sufficient size and strength to produce these fire streams, and that the machinery shall be such as to deliver all the water necessary at each of said asylums for these fire streams, without interfering with the supply of water for other purposes at the same time these fire streams are used.

Sec. 4. That the amount to be paid for fire protection and for all other purposes at all of the asylums and at the other public buildings and grounds mentioned in section 1 of this act, shall not exceed seven thousand dollars per annum.

Sec. 5. The water supply shall be filtered and suitable for culinary and other domestic purposes, and shall be delivered in sufficient quantities for the purposes desired, and with such pressure as to be available at all times at each of the places hereinbefore mentioned.

Sec. 6. That the contractor shall execute a satisfactory bond to the State of Texas, which shall be approved by the Governor, for the faithful performance of the conditions and provisions of any contract that may be executed under the provisions of this act. The consent of a majority of the persons named in section one of this act shall be necessary to the execution of said contract, and the same shall be signed by such majority.

Sec. 7. The contract shall designate some time, not exceeding one year, when such water supply shall be ready for use at each of the asylum buildings and public grounds.

Sec. 8. There is hereby appropriated for the purpose of carrying out this contract, and paying the contractors the amount to which they may be entitled under their contract, the sum of seven thousand dollars, or so much thereof as may be necessary, to be paid quarterly on accounts to be approved by the Governor of the State.

Sec. 9. The liability of the said buildings to be destroyed, and the near approach of the close of the present session of the Legislature, creates an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and it

is so suspended, and an emergency that the same take effect from passage, and it is so enacted.

Passed May 5, A. D. 1882.

Takes effect from passage.

The foregoing act was presented to the Governor of Texas for his approval on the fifth day of May, 1882, and was not signed by him, nor returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.

(Signed)

T. H. BOWMAN, Secretary of State.

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THE STATE OF TEXAS, }  
DEPARTMENT OF STATE. }

I, T. H. Bowman, Secretary of State of the State of Texas, do hereby certify that I have compared the foregoing laws, passed by the Seventeenth Legislature, with the originals now on file in this department, and that they are true copies thereof. I further certify that the Seventeenth Legislature of the State of Texas convened in special session at the city of Austin on the sixth day of April, A. D. 1882, and adjourned on the fifth day of May, A. D. 1882.

[L. s.] In testimony whereof I hereunto sign my name and affix the seal of the State of Texas, at the city of Austin, on this the sixteenth day of May, A. D. 1882.

T. H. BOWMAN,  
Secretary of State.

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**GENERAL LAWS**

**OF**

**THE STATE OF TEXAS**

**PASSED AT THE**

**REGULAR SESSION OF THE EIGHTEENTH LEGISLATURE**

**CONVENED**

**AT THE CITY OF AUSTIN**

**JANUARY 9, 1883, AND ADJOURNED APRIL 13, 1883**

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**'BY AUTHORITY OF THE STATE OF TEXAS**

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**AUSTIN**  
**1883**





# GENERAL LAWS OF TEXAS.

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CHAPTER I.—An Act making an Appropriation for the Mileage and Per Diem Pay of the Members, and Per Diem Pay of the Officers and Employees of the Eighteenth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas: That the sum of eighty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the payment of mileage and per diem of the members, and the payment of the per diem of the officers and employees of the Eighteenth Legislature of the State of Texas.

Sec. 2. The certificate of the Secretary of the Senate, approved by the President thereof, or the certificate of the Chief Clerk of the House, approved by the Speaker thereof, shall be sufficient evidence to the Comptroller, upon which he shall audit the claims and issue warrants upon the Treasurer for the respective amounts.

Sec. 3. And whereas, the Eighteenth Legislature, for the payment of the officers and members of which this law is enacted, is in session, and public policy requires their immediate payment, therefore an emergency exists that this law take effect and be in force from and after its passage, and it is so enacted.

Approved January 17, 1883.

Takes effect from and after its passage.

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CHAPTER II.—An Act making an Appropriation to defray the Contingent Expenses of the Eighteenth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas: That the sum of thirty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to pay the contingent expenses of the Eighteenth Legislature. That (except in cases of accounts for printing done and stationery furnished) the certificate of the chairman of the Committee on Contingent Expenses, that an account has been examined and approved by said committee, and countersigned by the President of the Senate or the Speaker of the House, as the case may be, shall be sufficient authority to authorize and require the Comptroller of

Public Accounts to draw his warrant on the State Treasury for the payment of any claim against said fund. The accounts for printing and stationery shall take the course prescribed by the Revised Statutes.

Sec. 2. Whereas it is of sufficient public importance that the contingent expenses of the Legislature be promptly paid, in order that the material furnished and labor performed, may be procured at cash prices, and the want of such appropriation to pay the contingent expenses of the Eighteenth Legislature, creates an imperative public necessity that the rule requiring this bill to be read on three several days in each House should be suspended, and it is so suspended, and this act take effect from and after its passage.

Approved January 19, 1883.

Takes effect from and after its passage.

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### CHAPTER III.—An Act entitled An Act to withdraw the Public Lands of the State of Texas, from sale.

Section 1. Be it enacted by the Legislature of the State of Texas: That all the public lands heretofore authorized to be sold, under the act entitled "An Act to provide for the sale of the unappropriated public land of the State of Texas, and the investment of the proceeds of such sale," approved July 14, 1879, be and the same is hereby withdrawn from sale; Provided, that nothing contained in this act shall be construed to return the land reserved by an act entitled "An Act to provide for the sale of a portion of the unappropriated public lands of the State of Texas, and the investment of the proceeds of such sale," approved July 14, 1879, and the act amendatory of such act, approved March 11, 1881, to the mass of the public domain, but the same shall be construed to be reserved for the purposes for which said land was originally set apart and designated by said act, until the Legislature shall otherwise provide.

Sec. 2. Whereas these lands are being daily sold, to the great detriment of the State, an imperative public necessity exists for the immediate passage of this act, and that the constitutional rule requiring bills to be read on three several days should be suspended and this bill take effect from and after its passage, and it is so enacted.

Approved January 22, at one o'clock and thirty minutes, 1883.

Takes effect from and after its passage.

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### CHAPTER IV.—An Act to amend Articles 245 and 247 of the Revised Statutes.

Section 1. Be it enacted by the Legislature of the State of Texas: That Articles 245 and 247 be amended so as to read as follows:

Article 245. A county attorney for counties in which there is not a resident criminal district attorney shall be elected by the qualified voters of each county, who shall be commissioned by the Governor and hold his office for the term of two years.

Article 247. When a resident criminal district attorney is elected and has qualified, and there is in the county of his residence, a county

attorney, such county attorney shall cease to perform the functions of such office, and there shall be no county attorney in such county during the time there may be a resident criminal district attorney therein. By the term, criminal district attorney, is meant an attorney for a criminal district court.

Approved January 24, 1883.

Takes effect ninety days after adjournment.

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**CHAPTER V.—An Act authorizing the Commissioner of the General Land Office to employ additional Clerks, and fixing their Salaries.**

Section 1. Be it enacted by the Legislature of the State of Texas: That the Commissioner of the General Land Office be and is hereby authorized to employ six additional assistant clerks in the General Land Office for not more than ninety days after the passage of this act, at a salary not exceeding seventy-five dollars per month for each clerk.

Sec. 2. The fact that over four thousand surveys have not yet been reached for examination, and the further fact that work on other files are necessarily suspended till these surveys are examined and indexed, creates an imperative public necessity that the rule requiring bills to be read on three several days, should be suspended and an emergency exists that it take effect and be in force from and after its passage and it is so enacted.

Approved January 26, 1883.

Takes effect from and after its passage:

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**CHAPTER VI.—An Act to withdraw from sale, all the School, University and Asylum Lands, heretofore by any law of this State authorized to be sold.**

Section 1. Be it enacted by the Legislature of the State of Texas: That all the school, university and asylum lands heretofore authorized by any law of this State to be sold, are hereby withdrawn from sale from the passage of this act until after the expiration of ninety days from the adjournment of the Legislature.

Sec. 2. All laws and parts of laws in conflict with this act are hereby suspended until ninety days after the adjournment of this Legislature.

Sec. 3. Whereas these lands are being daily sold, to the great detriment of the State and an imperative public necessity exists for the immediate passage of the same, the constitutional rule requiring bills to be read on three several days should be suspended, and this bill take effect from and after its passage.

Approved February 3, 1883, at 10 o'clock and 30 minutes a. m.

Takes effect from and after its passage.

**CHAPTER VII.**—An Act concerning Public Lands heretofore surveyed by Railroads, or Corporations, or any Company or Person, for the benefit of Public Free Schools of this State.

Section 1. Be it enacted by the Legislature of the State of Texas: That any and all public lands heretofore surveyed by railroads or corporations, or any company or any person in this State, for the benefit of the public free schools of this State, by virtue of any certificate, valid or invalid, void or voidable, be and the same are hereby declared to be lands belonging to the public free schools of this State.

Sec. 2. All laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 3. Whereas, the protection of the interest of the public free schools creates an imperative public necessity for the suspension of the constitutional rule which requires that all bills be read on three several days, said rule is therefore suspended, and an emergency exists that this act should take effect from and after its passage, and it is so enacted.

Approved at 2 o'clock p. m., February 3, 1883.

Takes effect from and after its passage.

**CHAPTER VIII.**—An Act to amend Article 1265, of Chapter 8, Title 29 of the Revised Civil Statutes.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 1265 of Chapter 8, Title 29, of the Revised Civil Statutes of this State, be amended so that it shall hereafter read as follows: viz:

Article 1265. "An answer setting up any of the following matters, unless the truth of the pleadings appear of record, shall be verified by affidavit

1. That the suit is not commenced in the proper county.
2. That the plaintiff has not legal capacity to sue.
3. That the plaintiff is not entitled to recover in the capacity in which he sues.
4. That there is another suit pending in this State between the same parties for the same cause of action.
5. That there is a defect of parties plaintiff or defendant.
6. A denial of partnership as alleged in the petition, whether the same be on the part of the plaintiff or defendant.
7. That the plaintiff or defendant alleged in the petition to be duly incorporated, is not duly incorporated.
8. A denial of the execution by himself, or by his authority, of any instrument in writing upon which any pleading is founded in whole or in part, and charged to have been executed by him, or by his authority, and not alleged to be lost or destroyed. Where such instrument in writing is charged to have been executed by a person then deceased, the affidavit will be sufficient if it state, that the affiant has reason to believe, and does believe that such instrument was not executed by the decedent or by his authority.
9. A plea denying the genuineness of the endorsement or assignment of a written instrument, as required by Article 271.

10. That a written instrument upon which a pleading is founded, is without consideration, or that the consideration of the same has failed in whole or in part.

11. That an account which is the foundation of the plaintiff's action, and supported by an affidavit is not just, and in such case the answer shall set forth the items and particulars which are unjust.

12. That the contract sued upon is usurious.

Approved February 5, 1883.

Takes effect ninety days after adjournment.

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CHAPTER IX.—An Act amending Article 4000 of the Revised Civil Statutes.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 4000 of the Revised Civil Statutes be amended so as to read as follows:

Article 4000. "There shall be printed not less than eight thousand copies of the laws of a general nature, and as many more as the printing board may require, not to exceed twelve thousand in all; and fifteen hundred copies of the special laws, including all acts for the private relief, all acts incorporating towns and cities, all acts having a local application, all acts of a personal nature, and all acts incorporating private associations, of every description that may be passed at each session of the Legislature, and one thousand copies of the journals of each house of the Legislature."

Sec. 2. Whereas, the type is set from day to day for the publication of the journal, and the same can now be done at a saving of expense to the State; therefore an imperative public necessity and emergency exist that the constitutional rule requiring this bill to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved February 6, 1883.

Takes effect after passage.

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CHAPTER X.—An Act to amend Article 240, of Title 8, Chapter 6, of the first section of an Act entitled "An Act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas" passed February 21, 1879.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 240, of Title 8, Chapter 6 of the first section of an act entitled "An Act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas," passed February 21, 1879, be so amended as to hereafter read as follows:

Article 240. If any officer authorized by law to demand or receive fees of office, or any person employed by such officer, shall wilfully demand, or receive higher fees than are allowed by law, or shall wilfully demand or receive fees not allowed by law, he shall be punished by fine not less than twenty-five, nor more than one hundred dollars for each offense.

Approved February 9, 1883.

Takes effect ninety days after adjournment.

CHAPTER XI.—An Act to diminish the civil jurisdiction of the County Court of Morris County and to conform the jurisdiction of the District Court to such change.

Section 1. Be it enacted by the Legislature of the State of Texas, That the County Court of the County of Morris shall have and exercise general jurisdiction of probate courts, to probate wills, to appoint guardians for minors, idiots, lunatics, persons non compos mentis and common drunkards, to grant letters testamentary and of administration, to settle accounts of executors, administrators and guardians, and to transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis and common drunkards, including the partition, settlement and distribution of the estates of deceased persons, and to apprentice minors as prescribed by law and to issue all writs and process necessary to the enforcement of their jurisdiction and to punish contempts under such provisions as are, or may be provided by law throughout the State.

Sec. 2. That said County Court shall have original jurisdiction over all misdemeanors, except those involving official misconduct and said court shall also have appellate jurisdiction in criminal cases of which justices of the peace and other inferior tribunals of said county have original jurisdiction.

Sec. 3. That said County Court shall have jurisdiction in the judgment and forfeiture of all bonds and recognizances taken in criminal cases, of which cases said court has jurisdiction.

Sec. 4. That the County Judge of said county shall have authority, either in term time, or in vacation to grant writs of certiorari, mandamus and all other writs and process necessary to the enforcement of the jurisdiction of said court and shall also have power to issue writs of habeas corpus in all cases in which the Constitution has not conferred the power on the District Court, or the judge thereof.

Sec. 5. That the district court of said county shall have jurisdiction in all civil matters and cases over which the county court of said county has jurisdiction under the general laws of this State, except as otherwise provided in this act and all such cases are hereby transferred to the district court of said county and all writs and processes issued out of the county court in said cases shall be valid and the same shall be returnable to the next term of the district court to be held in and for said county.

Sec. 6. That the clerk of the court of the county aforesaid be and he is hereby required within twenty days after the passage of this act to make a fair and complete transcript of all the entries on his civil docket theretofore made in cases which by the provisions of this act are transferred to the district court of said county and file the same together with the original papers of all said cases, together with a certified bill of the costs in each case with the clerk of the district court of said county and all such cases shall immediately be docketed and numbered consecutively by the clerk of said court beginning with the lowest number and shall stand on the docket of said court as appearance cases for the next term of said court: And for making up said transcript, said clerk shall receive twenty cents for each hundred words, and fifty cents for each certificate, to be taxed as costs against the party cast in the action.

Sec. 7. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 8. Whereas, the immediate operation of the provisions of this act will save the county herein named a large and unnecessary expense, and thereby an emergency exists, which justifies that this act take effect and be in force from and after its passage and it is so enacted; and whereas, the time for holding the term for civil business in said county is near at hand creates an imperative public necessity which authorizes the suspension of the rule requiring this bill to be read on three several days, and said rule is so suspended.

Approved February 9, 1883.

Takes effect ninety days after adjournment.

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**CHAPTER XII.—An Act to prevent certain county officers, their deputies and employees from purchasing property at tax sales.**

Section 1. Be it enacted by the Legislature of the State of Texas: That if any sheriff, or collector of taxes of any county in this State, deputy sheriff, or deputy collector, or any employee of such sheriff or collector authorized by him to collect or receive taxes, or to assist in any way in making sales for the collection of taxes, shall in the county where he resides, bid for, purchase, or attempt to purchase, or be in any way interested in the purchase of any property, either real or personal, at any sale of such property, made or attempted to be, for the collection of State and county taxes, or either, he shall be fined not less than ten, nor more than one thousand (\$1000) dollars and any such officer so offending shall be deemed guilty of official misconduct and upon conviction shall be removed from office.

Approved February 9, 1883.

Takes effect ninety days after adjournment.

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**CHAPTER XIII.—An Act making an appropriation for the deficiency in the amount appropriated for Public Printing for the year beginning Feb. 28, 1882, and ending Feb. 28, 1883.**

Section 1. Be it enacted by the Legislature of the State of Texas: That three thousand dollars or so much thereof as may be necessary, be appropriated out of any monies in the Treasury, not otherwise appropriated, to supply the deficiency in the amount appropriated for public printing for the year beginning Feb. 28, 1882, and ending Feb. 28, 1883.

Sec. 2. The fact that the appropriation for the purpose above specified, has been exhausted, and there is now no money in the Treasury subject to drafts, for current printing, creates an imperative public necessity requiring that the constitutional rule that bills be read on three several days be suspended, and that this bill take effect and be in force from and after its passage, and it is so enacted.

Approved February 10, 1883.

Takes effect after passage.



**CHAPTER XIV.**—An Act to amend Article 800, of Chapter 3, Title 9 of the second section of "An Act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas," passed February 21, 1879.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 800, Chapter 3 of Title 9 of the second section of "An Act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas," passed February 21st 1879, be so amended as to read as follows:

Article 800. When the same defendant has been convicted in two, or more cases, and the punishment assessed in each case, is confinement in the penitentiary, or the county jail for a term of imprisonment, judgment and sentence shall be rendered and pronounced in each case in the same manner as if there had been but one conviction, except that the judgment in the second and subsequent convictions shall be, that the punishment shall begin when the judgment and sentence in the preceding conviction have ceased to operate, and the sentence and execution thereof shall be accordingly.

Approved February 12, 1883.

Takes effect ninety days after adjournment.

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**CHAPTER XV.**—An Act requiring the printing and publication of two thousand five hundred copies of the General Laws of the Sixteenth and Seventeenth Legislatures and the General Laws of the called session of the Sixteenth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas: That the Printing Board are authorized and required to contract for the printing and publication, for the use of the State, of two thousand five hundred copies of the General Laws of the regular and called sessions of the Sixteenth Legislature, and the same number of copies of the General Laws of the regular session of the Seventeenth Legislature.

Sec. 2. There not being a sufficient number of copies of the above laws in existence for the use of the officers of the State, creates an emergency requiring that this law take effect and be in force from and after its passage and it is so enacted.

Approved February 12, 1883.

Takes effect immediately.

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**CHAPTER XVI.**—An Act to amend Article 1135, Chapter 1, Title 28, of the Revised Civil Statutes.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 1135, Chapter 1, Title 28 of the Revised Civil Statutes, be and the same is hereby amended so as to hereafter read as follows:

Article 1135. The county judge shall keep his office at the county seat of the county and shall attend at said office from day to day. He shall not absent himself from the county, or the State without the per-

mission of the commissioners' court, to be entered on the minutes of the court, nor shall he so absent himself with such permission for a longer period than ninety days.

Approved February 12, 1883.

Takes effect ninety days after adjournment.

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**CHAPTER XVII.—An Act to amend Articles 669 and 670 of the Code of Criminal Procedure.**

Section 1. Be it enacted by the Legislature of the State of Texas: That Articles 669 and 670 of the Code of Criminal Procedure be amended so as to read as follows:

Article 669. When two or more defendants are jointly prosecuted, they may sever in the trial upon the request of either.

Article 670. When a severance is claimed, the defendants may agree upon the order in which they are to be tried, but in case of their failure to agree, the court shall direct the order of trial.

Approved February 12, 1883.

Takes effect ninety days after adjournment.

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**CHAPTER XVIII.—An Act to provide for the Purchase of a Site for, and the Establishment, Location and Construction of a Branch Asylum in North Texas, for the Care and Treatment of the Insane, and to make an appropriation therefor.**

Section 1. Be it enacted by the Legislature of the State of Texas: That there shall be established and maintained, a branch asylum for the care and treatment of the insane, the same shall be located at least one hundred and fifty miles from the city of Austin, and in North Texas.

Sec. 2. The Governor shall appoint three commissioners, who shall select the site for said branch asylum, who shall receive the sum of five dollars per day, and their actual and necessary expenses incurred during the time of such service, which time shall not exceed thirty days; their accounts to be certified by the president of said board of commissioners, and approved by Governor, which shall be sufficient evidence to the Comptroller upon which to audit the claims, and draw his warrant upon the Treasurer for the respective amounts; and said board of commissioners, in selecting the site for said asylum, shall make such selection with a view to its accessibility and convenience to the greatest number of inhabitants; the supply of water, building material and fuel, drainage, fertility of soil and healthfulness, and the same shall contain at least four hundred acres and not more than two thousand acres of land.

Sec. 3. That when said board shall have made their report to the Governor, and the same has been approved by him, they shall, after thorough investigation, take title to the land selected, in the name of the State, for the use and benefit of the State Lunatic Asylum.

Sec. 4. The Governor of the State shall appoint a board of managers to consist of five persons, citizens of the State, who shall be governed by existing laws, and whose duties shall be the same as now prescribed by Title 8 of the Revised Civil Statutes.

Sec. 5. The Governor shall appoint, by and with the consent and advice of the Senate, a superintendent of said branch asylum, whose duties, qualifications, terms of office and emoluments shall be the same as are now or may hereafter be provided by law for the Superintendent of the Lunatic Asylum.

Sec. 6. The support and general management of said asylum shall be the same in every respect as are provided in Title 8 of the Revised Civil Statutes.

Sec. 7. That the superintendent of said asylum and a building supervisor, who shall be employed by the Governor, shall supervise the construction of all buildings erected upon said asylum grounds, as provided for in this act.

Sec. 8. That there shall be constructed, upon said grounds, so selected, permanent and substantial buildings, sufficient to accommodate at least five hundred inmates; said buildings to be provided with modern improvements for furnishing water, heat, ventilation and sewerage; and the Governor shall immediately after the passage of this act, and receiving the report of the commission provided for in the second section of this bill, advertise for plans and specifications for said buildings for sixty days, and he, together with the Comptroller and Treasurer, shall let the contract for the construction of said building, according to such plan and specifications as they may adopt, to the lowest responsible bidder, who shall give a good and sufficient bond for the completion of the buildings, according to the contract.

Sec. 9. That there shall be appropriated out of the general revenue of this State, not otherwise appropriated, the sum of two hundred thousand dollars for the payment of the lands selected for a site, and expenses incurred in procuring same, and for the advancement of the improvements herein provided for, and it is further provided, that sixty thousand dollars, or so much thereof as may be necessary, may be expended in the erection of temporary buildings upon the site selected, for the immediate accommodation, care, maintenance and treatment of the insane.

Sec. 10. Whereas, there are a large number of insane persons in the jails throughout this State, who are much in need of immediate treatment, and whose condition is growing worse from their confinement, creates a public emergency and imperative necessity that the constitutional rule requiring this bill to be read on three several days be suspended, and that the same take effect from and after its passage, and it is so enacted.

Approved February 16, 1883.

Takes effect after its passage.

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#### CHAPTER XIX.—An Act making a special appropriation for the support of the Supreme Court at Galveston, Tyler and Austin.

Section 1. Be it enacted by the Legislature of the State of Texas: That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated, out of any money in the treasury not otherwise appropriated, for the support of the Supreme Court at Galveston, Tyler and Austin for the year ending February 28th,

1883. For fire-proof safe \$300. For furniture, repairing, carpeting and furnishing court rooms and judges rooms \$1000. For postage and contingent expenses \$500. For purchase of law books for library \$1000. Which amounts, or so much thereof as may be required, shall be expended under the direction and with the approval of the Chief Justice of the Supreme Court.

Sec. 2. Whereas, there is no appropriation for the purposes enumerated in this bill and the same being necessary immediately, therefore an imperative public necessity and an emergency exists that the constitutional rule requiring this bill to be read on three several days, be suspended and that this act take effect and be in force from and after its passage and it is so enacted.

Approved February 16, 1883.

Takes effect after its passage.

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**CHAPTER XX.—An Act to amend Article 1083 of the Code of Criminal Procedure of the State of Texas.**

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 1083 of the Code of Criminal Procedure of the State of Texas, be so amended as to hereafter read as follows:

Article 1083. Grand jurors shall each receive two dollars per day for each day and for each fraction of a day that they may serve as such.

Sec. 2. Whereas, grand juries are now in session in many counties of this State, who are justly entitled to the benefits of this law, therefore an emergency exists that this law shall take effect and be in force from and after its passage and it is so enacted.

Approved February 16, 1883.

Takes effect ninety days after adjournment.

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**CHAPTER XXI.—An Act to Provide for the Improvement and Repair of the Lunatic Asylum and the Enlargement of the Asylum Grounds, and to make an Appropriation therefor.**

Section 1. Be it enacted by the Legislature of the State of Texas: That there shall be appropriated out of the general revenues of the State, not otherwise appropriated, the sum of seventy-five thousand dollars, or so much thereof as may be necessary, for the purpose of purchasing land, stock, furniture, putting in heating apparatus, supplying gas, erecting an addition to the old asylum building, kitchen and laundry buildings and furnishing same, repairing old buildings and water closets, drainage, replacing wooden with iron stairways in new building, erecting offices, cottages and four temporary buildings, the same to be expended under the direction of the Board of Managers of the State Lunatic Asylum.

Sec. 2. Whereas there are a number of insane persons in the State who are confined in the jails and as it is the duty of the Legislature to make immediate provision for their relief, therefore an imperative public necessity exists that the rule requiring this bill to be read on three

several days in each House should be suspended, and an emergency that this act should take effect and be in force from and after its passage and it is so enacted.

Approved February 16, 1883.

Takes effect after its passage.

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**CHAPTER XXII.**—An Act to amend Article 1000, of Chapter 1, Title 13, of the second section of "An Act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas," passed February 21st, 1879.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 1000, of Chapter 1, Title 13, of the second section of "An Act to Adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas," passed February 21st, 1879, be so amended as to read as follows:

Article 1000. If other persons than the justice, jurors, counsel for the State, and the accused and his counsel are present at the inquest, they shall not interfere with the proceedings, and no question shall be asked a witness except by the justice, the accused or his counsel, counsel for the State or jurors, and the justice may fine any person violating this article for contempt of court, in any sum not to exceed twenty dollars, and may cause such person to be placed in the custody of a peace officer and removed from the presence of the inquest.

Approved February 16, 1883.

Takes effect ninety days after adjournment.

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**CHAPTER XXIII.**—An Act to amend Articles 314 and 315, Chapter 3, Title 9, of the Penal Code of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Articles 314 and 315, Chapter 3, Title 9 of the Penal Code, be and they are hereby amended so as to hereafter read as follows:

Article 314. If any person shall go into, or near any public place, or into or near any private house and shall use loud and vociferous or obscene, vulgar or indecent language, or swear or curse, or yell or shriek or expose his person, or rudely display any pistol or other deadly weapon, in a manner calculated to disturb the inhabitants of such public place or private house, he shall be fined in any sum not exceeding one hundred dollars.

Article 315. A public place within the meaning of the two preceding articles, is any public road, street or alley, of a town or city, or any inn, tavern, store, grocery or workshop, or place at which people are assembled or to which people commonly resort for purposes of business, amusement, recreation or other lawful purpose.

Approved February 19, 1883.

Takes effect ninety days after adjournment.

CHAPTER XXIV.—An Act amendatory of an Act to amend section eleven of an Act entitled “An Act to protect the Wool Growing Interest of the State of Texas,” approved March 25th, 1879, and of an Act amendatory thereof, approved March 9, 1881.

Section 1. “Be it enacted by the Legislature of the State of Texas: “That Section 11 of an act of the Legislature of the State of Texas, entitled “An act to protect the wool growing interest of the State of “Texas,” approved March 25 A. D. 1879,” shall be amended so as to “read as follows:

“Sec. 11. The following counties shall be exempted from the provisions of this act: viz: Anderson, Angelina, Bowie, Cass, Chambers, “Cherokee, Collin, Dallas, Delta, Denton, Ellis, Fannin, Fayette, Fort “Bend, Franklin, Freestone, Grimes, Gregg, Hardin, Hill, Harris, Harrison, Hunt, Henderson, Hopkins, Houston, Jasper, Jefferson, Johnson, “Kaufman, Lamar, Lee, Liberty, Leon, Madison, Marion, Montgomery, “Morris, Nacogdoches, Newton, Orange, Panola, Polk, Rains, Red River, “Rusk, Sabine, San Augustine, San Jacinto, Smith, Shelby, Titus, Trinity, Tyler, Van Zandt, Wood, Walker, Waller, Colorado and Upshur.”

Sec. 2. Whereas there are large flocks of sheep, many of which are diseased with scab, now being held in counties heretofore exempted from the provisions of said act, and which are not so exempted in this amendment, whereby the interest of the wool growers of such counties is greatly impaired, there is therefore an imperative public necessity for the immediate passage of this act, and that it take effect from and after its passage.

Passed February 1, 1883.

Takes effect after its passage.

The foregoing act was presented to the Governor of Texas for his approval on the first day of February, 1883, and was not signed by him, nor returned to the House in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.

JOS. W. BAINES, Secretary of State.

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CHAPTER XXV.—An Act to repeal “An Act to persons who have been Permanently Disabled by Wounds received while in the service of this State or of the Confederate States, a Land Certificate for 1280 Acres of Land.

Section 1. Be it enacted by the Legislature of the State of Texas: That an act entitled “An act granting to persons who have been permanently disabled by wounds received while in the service of this State or of the Confederate States, a land certificate for 1280 acres of land,” approved April 9th, 1881, be and the same is hereby repealed.

Sec. 2. The fact that the vacant public domain is exhausted, creates an emergency which requires that this act take effect and be in force from and after its passage, and it is so enacted.

Passed February 2, 1883.

Takes effect after its passage.

The foregoing act was presented to the Governor of Texas for his approval on second of February, 1883, and was not signed by him, nor returned to the House in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.

JOS. W. BAINES, Secretary of State.

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CHAPTER XXVI.—An Act to restore the Jurisdiction of the County Courts of the Counties of Parker, Uvalde, Red River and Starr, and to restore Criminal Jurisdiction to the County Court of Henderson County, and to repeal all laws in conflict therewith.

Section 1. Be it enacted by the Legislature of the State of Texas: That all the civil and criminal jurisdiction which the county court of Parker, Starr and Uvalde counties had, and that all the criminal jurisdiction which the county court of Henderson county had, under the Constitution and laws of the State of Texas prior to the twenty-fifth day of February 1881, be and the same is hereby fully restored, and that so much of the act approved February 25th 1881, entitled "An act to diminish the civil and criminal jurisdiction of the county courts of Henderson, Parker, Uvalde, Lampasas, Blanco, Bexar, Kimble, Nueces, Gillespie, Kendall, Wheeler, Oldham, Bandera, Wharton, McMullen, Medina, Frio, Dimmit, LaSalle, Hidalgo, Starr, Zapata, Duval and Burnet counties, and to conform the jurisdiction of the district and justices' courts of said counties to such change," as relates to Parker, Uvalde and Starr counties, and as relates to the criminal jurisdiction of the county court of Henderson county be and the same is hereby repealed.

Sec. 2. That all the civil and criminal jurisdiction which the county court of Red River county had under the Constitution and laws of Texas prior to the 8th day of July 1879, be and the same is hereby fully restored, and that so much of the act entitled "An Act to diminish the civil and criminal jurisdiction of the county courts of Erath, Comanche, Eastland, Red River, Palo Pinto, Stephens, Throckmorton, Taylor, Callahan, Panola, Cass, and Bowie counties, and conform the jurisdiction of the district courts of said counties to such change," approved July 8th, 1879, as relates to Red River county, be and the same is hereby repealed.

Sec. 3. That all causes now pending in the district courts of the counties of Parker, Uvalde, Red River and Starr, and all criminal causes now pending in the district court of Henderson county, over which the county courts of said counties have exclusive jurisdiction under the provisions of this act, and the laws giving jurisdiction to county courts, shall be transferred to the county courts of said counties.

Sec. 4. That the clerks of the district courts of the said counties of Parker, Uvalde, Red River, Starr and Henderson, shall within thirty days from the date that this act takes effect, transfer to the clerks of the county courts of said counties all the original papers in causes transferred under this act, together with a certified transcript of all the entries made on the docket of the district court in such causes, and a certified bill of all costs accrued in such causes, and for making out such transcript of the docket, the clerks of the district court shall be allowed such fees as

are now allowed for making out transcripts in cases of appeal, such fees to be taxed as costs in such suits.

Passed February 3, 1883.

Takes effect ninety days after adjournment.

The foregoing act was presented to the Governor of Texas for his approval on the third day of February, 1883, and was not signed by him, nor returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.

JOS. W. BAINES, Secretary of State.

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CHAPTER XXVII.—An Act to provide for the payment of certain debts of the State, out of that half of the proceeds of the sale of the Public Lands, not belonging to the Common School Fund.

Section 1. Be it enacted by the Legislature of the State of Texas, That one-half of the proceeds of the sale of public lands is declared to constitute a part of the common school fund and not subject to appropriations herein made.

Sec. 2. The bonds for the sum of one hundred and thirty-four thousand four hundred and seventy-two dollars and twenty-six cents, dated the first day of January 1867, due twelve years after date and bearing interest at the rate of five per cent per annum from date, executed by the State to the University fund, under the Act of November 12th 1866, and also the certificate of indebtedness for the amount of ten thousand three hundred dollars and forty-one cents, issued by W. L. Robards, Comptroller of Public Accounts on the eighth day of June 1865, are declared to be valid debts due from the State to the University of Texas, and the sum of two hundred and fifty-six thousand two hundred and seventy-two dollars and fifty-seven cents (\$256,272.57) of that half of the proceeds of the sale of public lands not belonging to the common school fund, shall be transferred to the University fund in payment of said certificate and bonds and the accrued interest on said bonds to the first day of August 1883, forty-five thousand one hundred and four dollars and twenty-two cents of which belongs to the available University fund, after which said certificate and bonds shall be fully discharged.

Sec. 3. The bonds for the sum of eighty-two thousand one hundred and sixty-eight dollars and eighty-two cents dated the first day of January 1867, due twelve years after date, bearing interest at the rate of five per cent per annum from date, executed by the State to the common school fund under the Act of November 12th 1866, are declared to be valid debts from the State to the common school fund: and the sum of one hundred and fifty thousand, two hundred and ninety-two dollars and forty-six cents (\$150,292.46), out of that half of the proceeds of the sale of public land not already belonging to the common school fund shall be transferred to the common school fund in payment of said bonds and the accrued interest thereon up to August 1st 1883, after which said bonds shall be fully discharged.

Sec. 4. The bonds for the sum of three hundred and twenty thousand three hundred and sixty-seven dollars and thirteen cents, dated the thirteenth day of May 1865 bearing interest at the rate of six per cent



per annum from date and executed by the State to the common school fund under the Act of November 15th 1864 are declared to be valid debts from the State to the common school fund and the sum of four hundred and thirty-one thousand seven hundred and eighty-one dollars and fifty-eight cents (\$431,781.58) out of said half of the proceeds of sales of public lands, shall be transferred to the common school fund in full satisfaction of said bonds: the above sum being the amount of the principal and the interest of said bonds, up to August 1st 1883, less the interest and sinking fund paid by the Houston and Texas Central Railway Company, the Buffalo Bayou, Brazos and Colorado Railway Company and the Washington County Railway Company under protest on the amounts paid by them during the civil war, in State Treasury warrants on their respective bonds to the special school fund given under the Act of August 13th, 1856, provided, only the principal of the amount due the common school fund as shown by Sections 3 and 4 of this Act, shall be the permanent common school fund and the interest thereon shall be the available school fund.

Sec. 5. By the payment of said bonds as aforesaid the State does not recognize the validity of said attempted payments in said Treasury warrants: and the interest and sinking fund hereafter collected on the amounts so attempted to be discharged in said warrants shall constitute a part of the general revenue of the State, and the State shall save the public school fund harmless from the assumed right of said railway companies, or their successors, to apply the interest and sinking fund heretofore or hereafter paid in treasury warrants to the principal or the interest of the bonds due from them to the school fund.

Sec. 6. The importance of this bill and the amount of business now before the Legislature creates an emergency for the suspension of the constitutional rule requiring bills to be read on three several days and the same is hereby suspended.

Approved February 23, 1883.

Takes effect ninety days after adjournment.

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CHAPTER XXVIII.—An Act amend Title 11, Chapter 3 of an act entitled "An Act to adopt and establish the Revised Civil Statutes of the State of Texas," passed February 21st, 1879.

Section 1. Be it enacted by the Legislature of the State of Texas, That Title 11, Chapter 3 of an act entitled "An Act to adopt and establish the Revised Civil Statutes of the State of Texas," passed February 21, 1879, be amended by adding an additional article, to be numbered Article 257a, to-wit:

Article 257a. The district or county attorney shall be entitled to ten per cent commissions on the first thousand dollars collected by him in any one case for the State or county from any individual or company: and five per cent on all sums over one thousand dollars, to be retained out of the money when collected, and he shall also be entitled to retain the same commissions on all collections made for the State or for any county: Provided that ten per cent shall be allowed on all such sums heretofore collected since the adoption of the Revised Statutes. ~~This~~

section shall also apply to money realized for the State under the escheat law.

Approved February 27, 1883.

Takes effect ninety days after adjournment.

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**CHAPTER XXIX.—An Act to amend Article 180, Chapter 1, Title 7, of the Penal Code of the State of Texas.**

Section 1. Be it enacted by the Legislature of the State of Texas, That Article 180, Chapter 1, Title 7, of the Penal Code, be and it is hereby amended so that it shall hereafter read as follows.

Article 180. Any person who by loud or vociferous talking or swearing, or by any other noise, or in any other manner wilfully disturbs any congregation or part of a congregation assembled for religious worship and conducting themselves in a lawful manner or who wilfully disturbs in any manner any congregation assembled for the purpose of conducting or participating in a Sunday school, or to transact any business relating to or in the interest of religious worship, or a Sunday school and conducting themselves in a lawful manner, shall be fined in any sum not less than twenty-five nor more than one hundred dollars, and may be imprisoned in the county jail not exceeding thirty days, at the discretion of the jury.

Approved February 28, 1883.

Takes effect ninety days after adjournment.

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**CHAPTER XXX.—An Act amendatory of Title 83 and of the supplement thereto, of the Revised Civil Statutes.**

Section 1. Be it enacted by the Legislature of the State of Texas: That Title 83 and the supplement thereto of the Revised Civil Statutes shall be so amended as hereafter to read as follows.

Article 4090. The Governor is empowered to issue his proclamation declaring quarantine on the coast, or elsewhere within this State, whenever in his judgment quarantine may become necessary, and such quarantine may continue for such length of time as the health of the State may require: Provided, Houston, in Harris county, shall be considered a coast town within the meaning of this act.

Article 4090a. It shall be the duty of the Governor of the State of Texas, and he is hereby authorized and empowered to select and appoint, by and with the advice and consent of the Senate, from the most skillful regular physicians of the State of Texas, one physician who shall be known as Health Officer of the State, and shall from previous and active practice be familiar with yellow fever and pledged to the importance of both quarantine and sanitation.

Article 4090b. Such Health Officer shall during the time he is actively engaged in public duty, receive for his services ten dollars per day and all necessary traveling expenses, a bill of which must be made out in

detail, then approved by the Governor, on which approved account the Comptroller shall issue his warrant on the Treasurer, for the amount of such approved account.

Article 4090c. When the Governor is informed, or has reason to believe that the State of Texas is threatened at any point on the coast, or elsewhere within this State, with the introduction of yellow fever, or any other infectious or contagious disease, he shall immediately order such Health Officer to the point or points so threatened, with instructions to carefully examine into such information or alarm, and if satisfied that the report or information is true, and that there is danger to the State at such place or places, from the introduction of any of such diseases, the Governor shall immediately declare quarantine at such place or places, against the locality where any of such diseases point or are said to exist, or until such time as the same can be examined into or determined, having power to order State, county or municipal authorities to aid him in establishing and maintaining the same; Provided, that the Health officer of the State, may in cases of emergency, when from any cause the Governor cannot act, have power and authority to establish, maintain and enforce a temporary quarantine anywhere within this State, whenever in his judgment such emergency exists; the facts in reference to which temporary quarantine shall be immediately reported to the Governor, who shall take such action, and issue such proclamations as he may deem proper, either continuing or discontinuing the same.

Article 4090d. The laws in regard to State quarantine shall remain and be in full force and operation on the coast or elsewhere in the State, as the Governor or Health Officer may direct, and be enforced as heretofore, with such additional changes as the provisions of this act prescribe, and with such additional changes in station and general management as the Governor may think proper.

Article 4090e. The law in regard to local quarantine by the inhabitants of any point or points on the coast, or elsewhere in this State shall remain in full force: Provided that in all differences and disputes between any such points contiguous or remote within this State, such differences and disputes shall be immediately by the local health authorities, if any, and if none, by the inhabitants themselves, reported and submitted to the Governor and on the receipt of such report he shall forthwith order the State Health Officer to such points with instructions to investigate the same and report, the exact condition of things, and upon investigation of such report, shall issue his proclamation declaring the determination of the issue and by said proclamation the aforesaid differences shall be governed and determined.

Article 4090f. Said Health Officer shall give a bond with two good and sufficient sureties in the sum of ten thousand dollars, made payable to the Governor, to be approved by him, and conditioned for the honest and impartial performance of his duties, and such Health Officer shall hold his position for the term of two years, subject however, to removal at any time by the Governor whenever in his judgment the public good demands such removal.

Article 4090g. Whenever quarantine is declared by the Governor, or by any county or corporate authorities in this State, it shall be the duty of such authorities to establish a quarantine station or stations where any person may be detained for such length of time as, in the discretion of the quarantine officers, the public safety may demand: Provided that all county and municipal quarantine shall be subordinate,

subject to and regulated by such rules and regulations as may be prescribed by the Governor or State Health Officer.

Article 4090h. It shall be the duty of the Health Officer of this State, county or city authorities as the case may be, to furnish persons detained by them at quarantine stations with necessary clothing, subsistence and shelter, not including crews or vessels except such as are removed by the quarantine officers from such vessels, and all accounts for necessary clothing, subsistence and shelter and all contracts for the construction of quarantine stations and wharves, and hire or purchase of boats or vessels, shall be approved and accepted by the State Health Officer and the Governor, and received by them after completion, if in accordance with contract specifications, and all accounts for the same and for all other expenses shall be approved by the Governor and when so approved, the Comptroller shall draw his warrant upon the Treasurer in favor of the same for the amount specified.

Article 4090i. All the costs and expenses of enforcing and maintaining the general quarantine or such as are ordered by the Governor or State Health officer, shall be paid out of the fund appropriated for quarantine purposes. All quarantine officers appointed by the Governor shall be selected and commissioned by the Governor of the State and shall be paid by the State, and all health authorities of the State, or of any county or city thereof shall obey the rules and regulations prescribed by the Governor or State Health Officer. The regular officer in charge of regular established quarantine stations on the coast shall be allowed ten dollars per day while on duty; temporary officers, or those commissioned by the Governor to guard against threatened epidemics, or those temporarily assigned to duty by the Health Officer of the State, under the provisions of Article 4090c of this title shall be allowed and paid five dollars per day and such other pay for extra expenses actually incurred as may be deemed just by the Governor and State Health Officer. All quarantine officers, whether of towns, cities, counties or State, shall be authorized to administer oaths to any person or persons suspected of violating any quarantine regulations; and any person or persons swearing falsely shall be punished according to the provisions of the Penal Code.

Article 4091. It is hereby made the duty of any county, town or city authority upon the coast or elsewhere in Texas, at as early a day as practicable, after the promulgation of the Governor's proclamation declaring quarantine, to provide suitable stations, where they are not now provided at sufficient distance from the usual places of landing of vessels or the depots of railroads coming into their respective counties, towns, or cities, and to select, appoint and employ a competent physician as health officer, subject to the approval of the Governor, at such stations, and to furnish said officer with such guards, employees and other things as may be necessary to render such quarantine effective; and said county, town or city authorities may provide for the establishment and maintenance of quarantine, subordinate, subjected to and regulated by such rules and regulations as the Governor and State Health Officer may prescribe.

Article 4092. Whenever on the coast of Texas or elsewhere in this State the authorities of any county, town or city fail, refuse or neglect to establish quarantine as provided for in the preceding article, then and in that event, the Governor shall have the power, and it shall be his duty to appoint a health officer and to prescribe such regulations for the government of the same as he may deem necessary.

Article 4093. It shall be the duty of all health officers and all quarantine authorities to stop each and every vessel from any infected port or district, notwithstanding the said vessel may have a clean bill of health, if deemed necessary (and such health officers or quarantine authorities shall have power so to do) to take the affidavit of the master of said vessel as to the health of himself and crew from the time of sailing from said infected port or district; and such officers and authorities shall detain said vessel at quarantine for such length of time as may be prescribed by the Governor and State Health officer, in their rules and regulations governing quarantine; and all such officers and authorities may use force if necessary in order to discharge the duties imposed upon them by the provisions of this title and the rules and regulations of the Governor and State Health Officer.

Article 4094. Any vessel arriving at any of the quarantine stations of this State, designated by the proper authorities from any infected port or district without a clean bill of health from the proper officers, from said port or district shall be taken possession of by the Health Officer, or other quarantine authority at the station at which said vessel arrives, and be held by the same until all fines that may have been assessed against the master of said vessel for a violation of the quarantine laws, rules and regulations shall have been paid, or until said vessel shall have been replevied in accordance with law.

Article 4095. The payment of the fine which may be assessed against the master of such vessel shall not operate as a release or discharge of the vessel from quarantine, but the same rules shall apply as in case of other vessels placed in quarantine.

Article 4095a. It shall be the duty of all health officers and quarantine authorities to establish stations where they do not now exist, whereat railway trains or any other public or private conveyance coming from any infected port or district and entering within any county, town or city in this State may be stopped, the passengers examined and sworn in accordance with the provisions of this title, and such further action had and taken under such rules as may be prescribed by the Governor and State Health Officer.

Article 4097. It shall be the duty of the county, town or city authorities aforesaid, as soon as quarantine ceases to exist, to forward to the Comptroller of the State an itemized account of all receipts and expenditures made by them and when approved by the Governor and State Health Officer, said Comptroller shall draw his warrant upon the Treasurer for the payment of any balance that may be due said authorities or either of them, and pay into the treasury any excess of receipts over expenditures as a credit to the quarantine fund.

Article 4098. Nothing contained in this title shall be construed to prevent any town, city or county from establishing any quarantine which they may think necessary for the preservation of the health of the same; Provided that the rules and regulations of such quarantine be not inconsistent with the provisions of this title, and be consistent with and subordinate to said provisions and the rules and regulations prescribed by the Governor and State Health Officer.

#### Supplement.

Section 1. It is hereby made the duty of the several county commissioners' courts of the counties of this State when required so to do by the proclamation of the Governor, or when under the provisions of this title where there is no corporation or city within such county to

appoint competent health officers, which officers shall appoint guards and other employees and to prescribe their duties in accordance with the provisions of this title and the rules and regulations of the Governor and State Health Officer, and such county to pay the same for their services such prices as may be deemed right, not exceeding the amount prescribed in Article 4090i.

Sec. 2. Whenever the Governor and State Health Officer under any of the provisions of this title establishes quarantine and shall appoint health officers, guards and employees thereabout, their compensation shall be what is right; not exceeding that fixed in Article 4090i of this title.

Sec. 3. That the Governor be and is hereby authorized and empowered to buy a steam tug for service upon the coast of this State, whenever in his judgment such tug becomes necessary for the better enforcement of the quarantine laws, rules or regulations. Said tug, when bought shall be placed in charge of the health officer at Galveston Texas, who shall have full control of the same, together with all quarantine stores, supplies and apparatus and responsible for the preservation of the same at all times, except when by order of the Governor or State Health Officer said tug is upon service elsewhere upon the coast; Provided the said steam tug shall be new, made to order upon plans and specifications approved by the Governor and State Health Officer and suited to its proposed use for quarantine purposes, and constructed with necessary appliances for disinfection fumigation and purification of vessels and cargoes; and provided further that the entire cost of said steam tug, engines, boilers, tackle and furniture, apparel and quarantine appliances shall not exceed fifteen thousand dollars.

Sec. 4. The quarantine or health officer at Galveston, Texas shall give bond with two or more good and sufficient sureties payable to the Governor in the sum of ten thousand dollars, conditioned for the care and preservation of said steam tug, and for the faithful performance of his duty.

Sec. 5. It is hereby made the duty of the Governor and State Health Officer, upon completion of the disinfecting warehouse at Galveston, Texas to prescribe such rules and regulations as may be necessary for the disinfection, or fumigation, or both, of all vessels and their cargoes and passengers arriving at Galveston from any infected port or district. The object of such rules and regulations being, to provide safety for the public health of the State, without unnecessary or arbitrary restrictions upon commerce and travel.

Sec. 6. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 7. There being no law upon the subject of quarantine, adequate to the protection of public health, and the near approach of the season of the year when quarantine will have to be declared, a public necessity and emergency exists requiring the suspension of the constitutional rule requiring bills to be read on three several days, and that this Act take effect and be in force from and after its passage and it is so enacted.

Approved February 28, 1883.

Takes effect after passage.

**CHAPTER XXXI.**—An Act to provide for the payment of fees to county judges and justices of the peace, sheriffs, constables, district and county attorneys and district clerks for services rendered in certain felony cases.

Section 1. Be it enacted by the Legislature of the State of Texas: That county judges, justices of the peace, sheriffs, constables, district and county attorneys and district clerks shall be allowed the following fees.

Sec. 2. In all cases where county judges and justices of the peace shall sit as examining courts in felony cases, they shall be entitled to the same fees allowed by law for similar services in misdemeanor cases to justices of the peace, and ten cents for each one hundred words for writing down testimony, to be paid by the State, not to exceed three dollars for all his services in any one case.

Sec. 3. Sheriffs and constables serving process and attending any examining court in the examination of any felony case shall be entitled to such fees as are fixed by law for similar services, in misdemeanor cases, to be paid by the State, not to exceed four dollars in any one case.

Sec. 4. District and county attorneys, for attending and prosecuting any felony case before an examining court, shall be entitled to a fee of five dollars to be paid by the State, for each case prosecuted by him before such court.

Sec. 5. The fees mentioned in sections 2, 3, and 4 of this act shall become due and payable only after the indictment of the defendant for the offense with which he was charged in the examining court, and upon an itemized account sworn to by the officers claiming such fees, and approved by the judge of the district court.

Sec. 6. Only one fee shall be allowed for an examining trial though more than one defendant is joined in the complaint, and when defendants are proceeded against separately, who could have been proceeded against jointly, but one fee shall be allowed in all the cases that could have been so joined, and the account of the officer and the approval of the judge must show that the provisions of this article are complied with.

Sec. 7. In habeas corpus proceedings in felony cases, the clerks of the district courts shall be paid by the State, upon the certificate of the judge, the following fees, not to exceed ten dollars in any one case: For taking down the evidence, ten cents for every one hundred words: for entering the judgment of the court, one dollar: for making out transcript in case of appeal, ten cents for every one hundred words.

Approved March 3, 1883.

Takes effect ninety days after adjournment.

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**CHAPTER XXXII.**—An Act to amend Article 4411 of the Revised Civil Statutes.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 4411 of the Revised Civil Statutes be so amended, that it shall hereafter read as follows:

Article 4411. No person shall be compelled to work on any public road or roads, more than five days in each year.

Approved March 5, 1883.

Takes effect ninety days after adjournment.

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**CHAPTER XXXIII.—An Act to reorganize the Twenty-fifth Judicial District of the State of Texas, and to provide the times for holding the district court therein.**

Section 1. Be it enacted by the Legislature of the State of Texas: That the Twenty-fifth Judicial District of the State of Texas shall be composed of the following counties: Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Duval and Nueces.

Sec. 2. Be it further enacted: That the said district court of said district shall be holden at the time hereinafter specified, to-wit: In the county of Cameron on the first Monday of September and February, and may continue in session four weeks: In the county of Hidalgo on the fourth Monday after the first Monday of September and February, and may continue in session one week: In the county of Starr on the fifth Monday after the first Monday of September and February, and may continue in session two weeks: In the county of Webb on the seventh Monday after the first Mondays of September and February, and may continue in session five weeks: In the county of Duval on the twelfth Monday after the first Mondays of September and February, and may continue in session two weeks: In the county of Nueces on the fourteenth Monday after the first Mondays in September and February, and may continue in session until the business is disposed of, not to exceed six weeks.

Sec. 3. Be it further enacted: That the counties of Zapata and Encinal be and they are hereby attached to the county of Webb for judicial purposes.

Sec. 4. Be it further enacted: That all writs and process, civil and criminal heretofore issued by or from the district courts in the several counties of said district, and made returnable to the former terms of said courts as said terms are now fixed by law, shall be returnable to the next ensuing terms of said district courts, in each county, as they are prescribed in this act,—and all such writs or process that may be issued by or from said courts, at any time within five days next before the holding of the next ensuing terms of said courts, as prescribed herein are hereby made returnable to said terms respectively, and all such writs and process hereinbefore mentioned, are hereby legalized and validated to all intents and purposes, as if the same had been made returnable to the term or terms of said courts, as the terms thereof are herein prescribed; Provided, that if any business should remain on the dockets of any county in said judicial district unfinished, the Judge of said district is hereby authorized and required, on application of a majority of the members of the bar of said county, to designate a time for holding a special term of said district court in any of said counties where such unfinished business may occur, by an order entered on the minutes of the district court of said county, said order to be published in a newspaper published in said judicial district for a period of thirty days before the



day for holding the said special term, stating the time and place where said court can be held; the expense of said publication to be paid by the county where such unfinished business is required to be transacted.

Sec. 5. Be it further enacted; That all laws and parts of laws in conflict herewith, be and the same are hereby repealed.

Sec. 6. Be it further enacted; That the crowded condition of the civil and criminal dockets in the county of Webb, resulting almost in a denial of trial to litigants, creates an imperative public necessity and emergency for the suspension of the constitutional rule which requires that all bills shall be read on three several days, and the said rule is accordingly suspended: and that this act take effect and be in force from and after the 9th (ninth) day of April A. D. 1883.

Approved March 5th 1883.

Takes effect after passage.

**CHAPTER XXXIV.—An Act to amend Chapter 16 of an act to adopt and establish the Revised Penal Code of the State of Texas, by inserting therein Article 789a.**

Section 1. Be it enacted by the Legislature of the State of Texas: That the Revised Penal Code of the State of Texas be amended by inserting Article 789a, as follows:

Article 789a. If any person shall fraudulently receive or conceal any property which has been acquired by another in such manner as that the acquisition comes within the meaning of embezzlement, knowing the same to have been so acquired, he shall be punished in the same manner as the person embezzling the same, would be liable to be punished.

Approved March 16, 1883.

Takes effect ninety days after adjournment.

**CHAPTER XXXV.—An Act to diminish the civil and criminal jurisdiction of the County Courts of Matagorda, Camp, Houston, Kerr, Mason, San Patricio, Live Oak, Donley, Young, Comal, Wilson and Atascosa.**

Section 1. Be it enacted by the Legislature of the State of Texas: That the County Courts of the Counties of Matagorda, Camp, Houston, Kerr, Mason, San Patricio, Live Oak, Donley, Young, Comal, Wilson, and Atascosa, shall have and exercise the general jurisdiction of probate courts; shall probate wills, appoint guardians of minors, idiots, lunatics, persons non-compos mentis and common drunkards; grant letters testamentary; settle accounts of executors, administrators and guardians; transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis and common drunkards, including the petition, settlement and distribution of estates of deceased persons, and to apprentice minors as prescribed by law; and to issue all writs necessary to the enforcement of its jurisdiction, and to punish contempts under such provisions as are, or may be provided by general law governing county courts throughout the State, and to have and to exercise

general jurisdiction over questions of eminent domain, as prescribed by law, but said county courts shall have no other jurisdiction civil or criminal.

Sec. 2. It shall be the duty of the county clerks of Matagorda, Camp, Houston, Mason, Kerr, San Patricio, Live Oak, Donley, Young, Comal, Wilson, and Atascosa counties, within twenty days after the passage of this act, to make a full and complete transcript of all orders, on their respective dockets in cases now pending in the county courts of said counties respectively, of which cases, by the terms of this act exclusive jurisdiction is given to the district courts, and to deliver said transcript together with the original papers, and a certified bill of costs in each case, to the clerks of the district courts in their respective counties, and said district clerks shall enter said casts on their respective dockets for trial by said district courts, and all process now issued and returnable to the county court of said counties respectively of which the district courts of said counties has been given jurisdiction by this act, shall be returnable to the district court of said county by the officer executing the same, and all cases transferred by this act shall stand as appearance cases in said district courts, and shall be tried by said district courts as other cases. And the district court shall have and exercise all the civil and criminal jurisdiction heretofore vested in said county courts by the Constitution and laws, and not divested by this act.

Sec. 3. That all laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 4. That in order to save much unnecessary expense to the citizens of Matagorda, Camp, Houston, Mason, Kerr, San Patricio, Live Oak, Donley, Young, Comal, Wilson and Atascosa, an imperative public necessity exists, that the constitutional rule requiring bills to be read on three several days should be suspended, and it is so suspended, and the same shall take effect and be in force from and after its passage.

Approved March 16, 1883.

Takes effect after passage.

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CHAPTER XXXVI.—An Act to amend an act entitled "An Act to amend an act to create a Commission of Arbitration and Award and define the powers and duties thereof and to make appropriation to pay the salaries of the Judges thereof, approved Feby 9th, 1881.

Section 1. Be it enacted by the Legislature of the State of Texas: That an act to amend an act entitled An Act to create a commission of arbitration and award and to define the powers and duties thereof and to make appropriation to pay the salaries of the judges thereof approved Feby 9th 1881, shall hereafter read as follows.

Section 1. A Commission of arbitration and award, to consist of three persons learned in the law to be appointed by the Governor by and with the advice and consent of the Senate if in session, or without such advice and consent, if not in session, who shall hold their offices for two years from Oct. 1st 1883, and receive for their services the same salaries as judges of the Supreme Court of the State of Texas, be and the same is hereby created to be styled the Commission of Appeals of the State of Texas. In case of a vacancy on said commission by death or resignation of any member thereof during the vacation of the Legislature, it shall be the

duty of the Governor to fill the same by appointment and the person so appointed shall continue in office until the next session of the Legislature after the appointment.

Sec. 2. That in addition to the powers and duties now conferred by said act the Supreme Court and Court of Appeals of this State are hereby authorized and empowered to refer to the Commissioners of Appeals of the State of Texas, any civil case or cases now or hereafter pending before said Courts for examination and report thereon: And it shall be the duty of said Supreme Court and Court of Appeals in order to relieve the dockets of said Courts of the great number of cases now encumbering them from time to time to refer to said Commissioners of Appeals, so many of said cases now or hereafter pending in said courts as may be reasonably considered and acted upon by the same, at the several sessions thereof, having respect in such reference to the length of time such cases may have been pending as well as to promote an early disposition of the cases on the docket.

Sec. 3. When said commissioners of appeals have considered and determined upon the proper disposition of any case referred to the same according to section 2 of this act, their opinion shall be submitted together with a brief synopsis of the case, to the court from which the case was referred, and the record shall be returned therewith. The reports so made may be used by the respective courts to facilitate them in reaching a conclusion upon the law and the facts in the case.

Sec. 4. The opinions of said commissioners of appeals in cases referred to them by the supreme court, when adopted by said court, shall be published as the opinions thereof as in other cases.

Sec. 5. That in cases referred to the commissioners of appeals under this act the papers thereof shall not be refiled in said commission and only such additional costs as may be essential to carry into effect the provisions hereof shall be incurred by the parties to such cases by reason of the reference thereof.

Sec. 6. That section one of this act which provides for a continuance of the Commission of Appeals for two years from October 1st 1883 shall not take effect until October 1st 1883 and it shall become inoperative at said time in case an amendment to the judiciary article of the Constitution of the State shall before then be submitted by the Legislature to the electors of the State and adopted by the people providing for an increase of the judges of the Supreme Court.

Sec. 7. The accumulation of business on the dockets of the Supreme Court and Court of Appeals is so great as to improperly retard the administration of justice, and this with the fact that the great number of bills awaiting consideration by the Legislature, may jeopardize, for want of time, the passage of this act, creates an imperative public emergency for the immediate passage of this act and that the rule requiring bills to be read on three several days be suspended as a public necessity requires this act to take effect and be in force from and after its passage and it is so enacted.

Approved March 20, 1883.

Takes effect after its passage.

**CHAPTER XXXVII.—An Act to amend Art. 838, Revised Statutes.**

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 838, Revised Statutes of the State of Texas, be and the same is hereby amended to read as follows:

Lee County.

Article 838. Beginning in Washington County at the north corner of the most northwestern De Witt survey; thence in a direct line to the junction of Alligator and Turkey creeks; thence down Turkey creek to its junction with Cedar creek; thence down Cedar creek to its confluence with the Yeuga; thence up the Yeuga to the mouth of East Yeuga; thence up East Yeuga to the point where said stream is crossed by the Milam and Burleson County line; thence with said line to where it intersects the northeast boundary of the Richard Ross survey; thence in a direct line to the southeast corner of Williamson county; thence with the southeast line of Williamson county, south 71 degrees west to a point in the northeast line of the Isaac Cosner league on the line of Bastrop county; thence with the Bastrop county line to a point in said line nearest the east corner of the Elias Marshall survey; thence in a direct line to the southwest corner of the David G. Green survey in Fayette county; thence in a direct line to the west corner of the A. J. Thompson survey; thence with the northwest boundary line of the same, and with the northwest boundary line of the Wood Taylor and the most northwestern DeWitt survey, to the place of beginning.

Sec. 2. The near approach of the close of this session, and the best interests of said county, creates an imperative public necessity that the constitutional rule requiring this bill to be read on three successive days be suspended and this act take effect from and after its passage, and it is so enacted.

Approved March 20, 1883.

Takes effect after its passage.

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**CHAPTER XXXVIII.—An Act to amend Chapter 2, Title 8 of the Penal Code by adding thereto Article 198a.**

Section 1. Be it enacted by the Legislature of the State of Texas: That chapter 2, title 8 of the Penal Code of this State be amended by adding thereto another article to be styled 198a which shall read as follows:

Article 198a. Any person suspected of violating any quarantine law or regulation, and who, upon being sworn by any one authorized to administer an oath by the provisions of any law of this State, shall knowingly swear falsely about any matter concerning which the quarantine laws and regulations permit examination, shall be deemed guilty of false swearing, and shall on conviction in a court of competent jurisdiction, be punished by imprisonment in the penitentiary not less than two nor more than five years.

Sec. 2. There being no provisions of the Penal Code providing adequate punishment for violations of the quarantine laws, rules or regula-

tions, therefore an imperative public necessity and an emergency exist for the suspension of the constitutional rule requiring bills to be read on three several days and that this act should take effect from and after its passage and it is so enacted.

Approved March 21, 1883.

Takes effect ninety days after adjournment.

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**CHAPTER XXXIX.—An Act to amend Article 4232 of the Revised Civil Statutes of the State of Texas, adopted by the regular session of the Sixteenth Legislature.**

Section 1. Be it enacted by the Legislature of the State of Texas: That article 4232 of the Revised Civil Statutes of the State of Texas, adopted by the regular session of the Sixteenth Legislature, be and the same is hereby so amended that it shall hereafter read as follows, to-wit:

"Article 4232. A bell of at least thirty pounds weight, or a steam whistle, shall be placed on each locomotive engine, and the whistle shall be blown, or the bell rung, at the distance of at least eighty rods from the place where the railroad shall cross any public road or street, and that such bell shall be kept ringing until it shall have crossed such public road or stopped, and each locomotive engine approaching a place where two lines of railway cross each other, shall, before reaching such railroad crossing, be brought to a full stop; and any engineer having charge of such engine, and neglecting to comply with any of the provisions of this act, shall be fined in any sum not less than five nor more than one hundred dollars for such neglect, and the corporation operating such railroad shall be liable for all damages which shall be sustained by any person by reason of any such neglect."

Sec. 2. The near approach of the close of the session and the fact that there is no law in force to compel engineers in charge of trains, to comply with the necessary regulations in reference to railroad crossings, creates an emergency and an imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days, and demanding that this act take effect and be in force from and after its passage; and it is accordingly so enacted.

Approved March 21, 1883.

Takes effect after its passage.

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**CHAPTER XL.—An Act to validate certain surveys heretofore informally or defectively made, in locating the county school lands of this State.**

Section 1. Be it enacted by the Legislature of the State of Texas: That the surveys of all county school lands heretofore made, either actually on the ground or by protraction, and returned into the General Land Office, according to law, and upon which patents have issued, are hereby declared valid surveys, and the title to the lands included within the lines of said surveys, as returned to the General Land Office, is hereby vested in the counties for which the same were made; and in all such sur-

veys the call for distance shall have precedence and control calls for rivers or natural objects, when the calls for distance will give the quantity of land intended to be included in the survey, and the calls for natural objects or rivers will not; provided, this act shall not divest any vested right.

Sec. 2. That whereas, great loss may occur from any delay in the final passage of this bill, creates an imperative public necessity that the constitutional rule requiring a bill to be read on three several days be suspended, and an emergency that this act take effect and be in force from and after its passage, and it is so enacted.

Approved March 21, 1883.

Takes effect after its passage.

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CHAPTER XLI.—An Act to reorganize the twelfth, sixteenth, seventeenth, twenty-ninth, thirty-fourth and thirty-fifth judicial districts, and to fix the times of holding the courts therein; to change times for holding the district courts in the seventh and fourteenth judicial districts, and in the counties of Kaufman, Sabine, San Augustine and Nacogdoches, and to provide for a district attorney in the sixteenth judicial district.

Section 1. Be it enacted by the Legislature of the State of Texas: That from and after the first day of July, 1883, the counties of Stephens, Shackelford, Jones, Callahan, Taylor, Nolan, Mitchell, Howard, Runnels, Eastland and the unorganized Counties of Stonewall, Fisher, Scurry, Kent, Garza, Borden, Martin, Dawson, Lynn, Terry, Yoakum, Gaines and Andrews, be and the same are hereby constituted the twelfth Judicial District. That the district courts in the said district shall be held as follows: In the county of Stephens on the first Mondays in Feb. and Sept. and may continue in session two weeks; in the county of Shackelford on the third Mondays in Feb. and September, and may continue in session two weeks; in the county of Jones on the fourth Mondays after the first Monday in Feb. and September, and may continue in session one week; in the county of Howard on the fifth Monday after the first Mondays in Feb. and September, and may continue in session one week; in the county of Mitchell on the sixth Monday after the first Mondays in Feb. and September, and may continue in session three weeks; in the county of Nolan on the ninth Monday after the first Mondays in Feb. and Sept. and may continue in session two weeks; in the county of Taylor on the eleventh Monday after the first Monday in Feb. and Sept. and may continue in session two weeks; in the county of Runnels on the thirteenth Monday after the first Mondays in Feb. and Sept. and may continue in session one week; in the county of Callahan on the fourteenth Monday after the first Mondays in Feb. and Sept. and may continue in session two weeks; in the county of Eastland on the seventeenth Monday after the first Mondays in Feb. and Sept. and may continue in session until the business before it is disposed of; that the unorganized county of Stonewall shall be attached to the county of Jones; the county of Fisher to the county of Nolan; and the counties of Garza, Kent and Scurry to the county of Mitchell; the counties of Yoakum, Terry, Lynn, Borden, Dawson, Martin, Gaines and Andrews to the county of Howard for judicial purposes.

Sec. 2. The district courts in the fourteenth judicial district shall be

hereafter as follows: In the county of Falls, on the third Mondays in February and August and may continue in session five weeks; in the county of Bell on the fifth Mondays after the third Mondays in February and August and may continue in session seven weeks; in the county of McLennan on the twelfth Mondays after the third Mondays in February and August, and may continue in session eight weeks; provided, that this act shall not take effect as to Bell and Falls counties until the first day of April, 1883, and the next term of court for Bell county shall begin on the first Monday in April, 1883, and continue in session five weeks.

Sec. 3. That the district court in and for Kaufman county be begun and holden on the twentieth Mondays after the first Mondays in January and July in each year, and may continue in session five weeks.

Sec. 4. That the counties of Wheeler, Oldham, Donley, Collingsworth, Greer, Childress, Hall, Briscoe, Floyd, Parmer, Castro, Swisher, Armstrong, Randle, Deaf Smith, Potter, Carson, Gray, Hemphill, Roberts, Hutchinson, Moore, Hartley, Dallam, Sherman, Hansford, Ochiltree and Lipscomb, be and the same are hereby constituted the thirty-fifth judicial district, and the district court shall be held in the counties composing said district as follows: In the county of Oldham on the first Mondays in April and October, and may continue in session four weeks; in the county of Donley on the first Mondays in January and July, and may continue in session four weeks; in the county of Wheeler on the eighth Mondays after the first Mondays in April and October, and may continue in session four weeks; the counties of Sherman, Moore, Potter, Castro, Parmer, Deaf Smith, Hartley and Dallam, are hereby attached to the county of Oldham for judicial purposes; the counties of Carson, Randle, Armstrong, Swisher, Floyd, Briscoe, Hall and Childress are hereby attached to the county of Donley for judicial purposes; the counties of Greer, Collingsworth, Gray, Hutchinson, Hansford, Ochiltree, Roberts, Hemphill and Lipscomb are hereby attached to the county of Wheeler for judicial purposes.

Sec. 5. The twenty-ninth judicial district shall be composed of the counties of Parker and Tarrant, and from and after the first day of July 1883, the district court shall be held therein as follows: In the county of Parker on the first Mondays in February and August, and may continue in session six weeks; in the county of Tarrant, on the sixth Mondays after the first Mondays in February and August, and may continue in session until the business is disposed of.

Sec. 6. That the counties of Coleman, Burnet, Lampasas, Comanche and Brown, be and the same are hereby constituted the seventeenth judicial district: That district court shall be held in the seventeenth judicial district as follows: In the county of Comanche on the first Mondays in March and September, and may continue in session three weeks; in the county of Brown on the fourth Mondays in March and September, and may continue in session three weeks; in the county of Coleman on the third Mondays in April and October, and may continue in session two weeks; in the county of Burnet on the second Mondays in May and November, and may continue in session three weeks; and in the county of Lampasas on the third Mondays after the second Mondays in May and November and may continue in session until the business is disposed of.

Sec. 7. The seventh judicial district shall be composed of the counties of Smith, Henderson, Van Zandt, Wood, Upshur and Gregg. That from and after the fifteenth day of July A. D. 1883, the term of the district

court of the seventh judicial district shall be held annually at the following specified times: In the county of Henderson on the last Monday in February and the third Monday in August, and may continue in session three weeks; in the county of Van Zandt on the third Monday after the last Monday in February and third Monday in August, and may continue in session four weeks; in the county of Wood on the seventh Monday after the last Monday in February and third Monday in August and may continue in session four weeks; in the county of Upshur on the eleventh Monday after the last Monday in February and third Monday in August, and may continue in session two weeks; in the county of Gregg on the thirteenth Monday after the last Monday in February and the third Monday in August, and may continue in session three weeks; in the county of Smith on the sixteenth Monday after the last Monday in February and the third Monday in August, and may continue in session until the business is disposed of.

Sec. 8. The thirty-fourth judicial district shall be composed of the counties of Jack, Young, Archer, Clay, Wichita, Wilbarger, Baylor, Throckmorton, Haskell, Knox, Hardeman, King, Cottle, Dickens, Motley, Crosby, Lubbock, Hale, Hockley, Lamb, Bailey, and Cochran, and the district court shall be held therein as follows: In the county of Jack, on the second Mondays in January and July, and may continue in session three weeks; in the county of Clay on the third Mondays after the second Mondays in January and July, and may continue in session three weeks; in the county of Wichita, on the sixth Mondays after the second Mondays in January and July, and may continue in session two weeks; in the county of Wilbarger, on the eighth Mondays after the second Mondays in January and July, and may continue in session two weeks; in the county of Archer, on the tenth Mondays after the second Mondays in January and July, and may continue in session one week; in the county of Baylor, on the eleventh Mondays after the second Mondays in January and July, and may continue in session three weeks; in the county of Throckmorton, on the fourteenth Mondays after the second Mondays in January and July, and may continue in session one week; in the county of Young, on the fifteenth Mondays after the second Mondays in January and July, and may continue in session three weeks. The counties of Hardeman and Cottle are hereby attached for judicial purposes to the county of Wilbarger, the county of Haskell to the county of Throckmorton, and the counties of Knox, King, Dickens, Motley, Crosby, Lubbock, Hale, Hockley, Lamb, Bailey and Cochran to the county of Baylor.

Sec. 9. From and after July 15th 1883, the district courts in the counties of Sabine, San Augustine and Nacogdoches, in the third judicial district, shall be held as follows: In the county of Sabine on the last Mondays in January and August, and may continue in session two weeks; in the county of San Augustine on the second Mondays after the last Mondays in January and August and may continue in session two weeks; in the county of Nacogdoches, on the fourth Mondays after the last Mondays in January and August, and may continue in session four weeks. The courts in the other counties of said third district shall be held as provided by law.

Sec. 10. The sixteenth judicial district shall be composed of the counties of Williamson and Travis, and district courts shall be held therein as follows: In the county of Williamson, on the second Mondays in May and November and may continue in session six weeks; in



the county of Travis on the first Mondays in January and July, and may continue in session until the business disposed of.

Sec. 11. There shall be a district attorney for the sixteenth judicial district, who shall be appointed by the Governor, after this act takes effect as to said district, and shall hold his office until the next general election, at which time his successor shall be elected.

Sec. 12. This act shall take effect and be in force as to the sixteenth and seventeenth judicial districts, from and after the first Monday in August A. D. 1883.

Sec. 13. Be it further enacted: That all writs and process returnable to the district courts of the several counties mentioned in this act, shall be returnable to the first terms of said courts, respectively begun and held under the provisions of this act, except as in this act is otherwise provided, and shall be as valid as if no change had been made in the times of holding said courts.

Sec. 14. That all laws and parts of laws in conflict with this act, be and they are hereby repealed.

Sec. 15. The fact that the district courts of many counties in this State have more business than can be disposed of within the time now allowed them by law, and this act extends the time and affords the necessary relief, and that the session of the Legislature is drawing to a close, and this act cannot probably be reached in regular order in time to secure its passage, creates an emergency and imperative public necessity that the constitutional rule requiring this bill to be read on three several days be suspended and it is suspended, and that this act take effect from and after its passage, except as in this act is otherwise provided, and it is so enacted.

Approved March 27, 1883.

Takes effect after its passage.

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## CHAPTER XLII.—An Act to amend Article 951, Title 24, of the Revised Statutes of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 951, Title 24, of the Revised Statutes, be so amended as to hereafter read as follows:

“Article 951. The Clerk of the District Court, Clerk of the County Court, and Justices of the Peace, shall each make a full and complete report under oath in writing, to the Commissioners Court at each regular term thereof, of all fines imposed and judgments rendered, and jury fees collected in their respective courts in favor of or for the use of the county, which reports shall be filed in the office of the clerk of the county court of the county for which the same are made.”

Sec. 2. And that all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved March 27, 1883.

Takes effect ninety days after adjournment.

**CHAPTER XLIII.**—An Act to authorize the Secretary of State to sell copies of the General and Special Laws of the State.

Section 1. Be enacted by the Legislature of the State of Texas; That the Secretary of State be, and is hereby authorized to sell copies of the General and Special laws of the State of Texas, that have been or may hereafter be published, at a price not to exceed twenty-five per cent above cost of publishing; provided, that a sufficient number of all laws published be reserved from sale for the use of the State; and provided further, that any money realized in excess of the costs attending such sale, shall be placed to the account of the general revenue in the State treasury.

Sec. 2. The near approach of the end of the present session of the Legislature endangering the passage of this bill, creates an imperative necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended, and the pressing demand for these laws creates an emergency that this act should take effect from and after its passage, and it is so enacted.

Approved March 27, 1883.

Takes effect after its passage.

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**CHAPTER XLIV.**—An act to provide for an organization of a board to direct, supervise and control the work of obtaining and presenting statements, accounts and abstracts showing the amount and character of the claims of the State of Texas against the government of the United States for moneys expended by said State in protecting her frontiers; to prepare proper vouchers, and to obtain and present necessary proof in support of said claim as required by an act of Congress entitled "An Act to authorize the Secretary of the Treasury to examine and report to Congress the amount of all claims of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas and Nevada, and the Territories of Washington and Idaho for moneys expended, and indebtedness assumed by said States and Territories, in repelling invasion, and suppressing Indian hostilities and for other purposes," approved June 27th 1882: to provide means and to employ the necessary clerical force to enable said board to discharge its duties, and to make an appropriation to pay the expenses of the same.

Section 1. Be it enacted by the Legislature of the State of Texas: That the Governor, Comptroller of Public Accounts and Adjutant General be and they are hereby constituted a board to arrange and present to the Secretary of the Treasury of the United States all statements, accounts and abstracts, or other necessary data as evidence of the claims of the State of Texas against the Government of the United States for moneys expended in defence of her frontiers, in accordance with an act of Congress authorizing the presentation of such claims, approved June 27th 1882.

Sec. 2. That said board shall have power to employ such clerical force as may be necessary, at prices to be fixed by the board; to send for persons and papers, and to administer oaths; to call on all State and county officers for official statements that may be required; to inspect and copy records, and to do all things necessary and requisite to enable them to arrange, state, and abstract such accounts and claims named in

the first section of this act, in the manner required by the Secretary of the Treasury of the United States under authority of said act of Congress; and to obtain and submit proof of the correctness and justice of said claims.

Sec. 3. That said board, if they deem it advisable and proper, may delegate any and all such authority as is herein granted to them, except the power of approving accounts for expenses incurred by virtue of this act to any person or persons they may employ or select to carry out any of the purposes of this act; provided, that this delegation of power to any person or persons so selected by the board, shall be in writing signed by the president of the board and attested by the Adjutant General with his official signature and seal of office.

Sec. 4. That said board are hereby empowered to expend any and all sums of money under the appropriation hereinafter made in this act, necessary in searching for, arranging and presenting statistics, accounts, vouchers, or other proof requisite to make out and sustain the said claims.

Sec. 5. That said board when they shall have prepared the abstracts and accounts of the said claim of Texas, shall file the same with the Secretary of the Treasury of the United States, accompanied with such vouchers or other evidence in support thereof as they may have obtained.

Sec. 6. The Comptroller shall draw his warrant upon the State Treasurer for such sums as may be required under the provisions of this act, upon the certificate of their correctness by the president of said board, attested by the Adjutant General, whether the same shall be for salaries to clerks or other help, or for ordinary or extraordinary expenses made necessary in carrying out the provisions of this act.

Sec. 7. That the Governor shall be president of the board herein provided for.

Sec. 8. That the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to pay for clerical or other labor and all necessary expenses of every character incurred in carrying out the provisions of this act.

Sec. 9. Whereas the present financial needs of the State of Texas require that she shall collect all moneys due her as soon as possible, and the time within which the duties to be performed under this act is limited and said duties and the work and labor to be performed, in order to properly present the claims and demands of the State of Texas to the Government of the United States are very great and arduous, therefore an emergency exists and an imperative public necessity demands that the constitutional rule requiring all bills to be read on three several days, be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved March 28, 1883.

Takes effect after its passage.

**CHAPTER XLV.—An Act to amend Article 4724, Chapter 3, Title 95 of the Revised Statutes, to fix and equalize the compensation of assessors of taxes.**

Section 1. Be it enacted by the Legislature of the State of Texas: That article 4724, chapter 3, title 95 shall hereafter read as follows.

Article 4724. Each assessor of taxes shall receive the following compensation for his services which shall be estimated upon the total values of the property assessed, as follows: For assessing the State and county tax, on all sums of two millions of dollars or less, five cents for each one hundred dollars of property assessed, and all sums over two millions and less than five millions of dollars, two and one half cents on each one hundred dollars, and all sums over five millions of dollars, two cents on each one hundred dollars. Two-thirds of the above fees shall be paid by the State, and one-third by the county, and for assessing the poll tax, five cents for each poll which shall be paid by the State.

Sec. 2. The near approach of the close of the session creates an emergency requiring the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended.

Approved March 28, 1883.

Takes effect ninety days after adjournment.

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**CHAPTER XLVI.—An Act to permit the State Fireman's Association to erect a monument in the Capitol grounds in the city of Austin.**

Section 1. Be it enacted by the Legislature of the State of Texas: That the State Fireman's Association of Texas be and they are hereby permitted to erect a monument in the Capitol grounds in the city of Austin, at such a place therein as may be agreed upon between the Capitol Board and the proper authorities of said association.

Sec. 2. That said monument shall cost said association not less than five thousand dollars, and that the names of only those firemen who have lost their lives in discharge of their duty as firemen shall have their names engraved on said monument.

Sec. 3. Whereas the patriotic firemen of the State of Texas are anxious to begin at once the work upon a monument to their heroic dead, and whereas the days of this session of the Legislature are numbered, therefore an imperative public necessity and an emergency exist for the suspension of the rules and that this act take effect from and after its passage, and it is so enacted.

Approved March 28, 1883.

Takes effect after its passage.

CHAPTER XLVII.—An Act to regulate the condemnation of property in cities and towns for the purpose of opening, widening or changing public streets, avenues or alleys, or for water mains, or sewers.

Section 1. Be it enacted by the Legislature of the State of Texas: That whenever the city council of any incorporated city or town shall deem it necessary to take any private property in order to open, change or widen any public street, avenue or alley, or for the construction of water mains, or sewers within or without the limits of such city or town, such property may be taken for such purpose by making just compensation to the owner thereof. If the amount of such compensation cannot be agreed upon it shall be the duty of such city council to cause to be stated in writing the real estate or property sought to be taken, the name of the owner thereof and his residence if known, and file such statement with the county judge of the county in which said property is situated.

Sec. 2. Upon the filing of such statement it shall be the duty of said judge in term time or vacation to appoint three disinterested free-holders and qualified voters of the county as special commissioners to assess the damages to accrue to the owner by reason of such proposed condemnation.

Sec. 3. The commissioners so appointed shall in their proceedings be governed and controlled by the laws in force in reference to the condemnation of the right of way for railroad companies and the assessment of the damages therefor, the city or town occupying the position of the railroad company and all laws in reference to applications for the condemnation of the right-of-way for railroad companies including the measure of damages, the right of appeal and the like shall apply to an application by a city or town under this act for the condemnation of property for the purpose of opening, changing, or widening streets, avenues or alleys, or for the construction of water mains or sewers, the city or town to occupy the position of the railroad company.

Sec. 4. Article 478 of the Revised Statutes be and the same are hereby repealed.

Sec. 5. The crowded condition of the business on hand and the near approach of the close of the session creates an imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days and said rule is hereby suspended.

Approved March 28, 1883.

Takes effect ninety days after adjournment.

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CHAPTER XLVIII.—An Act to provide annual pensions for the surviving soldiers or volunteers of the Texas Revolution, and the surviving signers of the Declaration of Independence of Texas, and the surviving widows of such soldiers or volunteers and signers.

Section 1. Be it enacted by the Legislature of the State of Texas: That to every surviving soldier or volunteer who served in the war between Texas and Mexico, in the army of Texas, at any time between the commencement of the Revolution at Gonzales in 1835, and the first day

of January 1837, and to every surviving signer of the Declaration of the Independence of Texas, and to every surviving widow of any such soldier or volunteer, or signer, who is and who has always been unmarried since the death of such soldier or volunteer, or signer, and so long as such widow may remain unmarried, there shall be and is hereby granted an annual pension of one hundred and fifty dollars as hereinafter provided; provided, however, that this act shall only apply to resident citizens of this State.

Sec. 2. Each applicant for a pension under this act shall make application in writing for the same to the county judge of the county of his or her residence, and such application shall state the name, age and residence of the applicant; whether or not the applicant received any pension or veteran donation land certificate under any previous law; a list of the real and personal property owned by the applicant, and the present value of the same; and what property, and the value thereof, that such applicant may have sold or conveyed within twelve months prior to the date of such application. And in addition to the foregoing, each male applicant shall further state the time he rendered such service, and the command he served in; and each female applicant shall further state the name of her deceased husband, the date of his death, that she is unmarried, and has so remained ever since the death of her husband, and shall further state, as accurately as she can, the time her said deceased husband rendered such service, and the command he served in. Should the applicant be a signer of such Declaration of Independence, or a widow of such signer, he or she shall state all that is hereinbefore required, except as to the military service, and in lieu of which, it shall state that the applicant was a signer of such Declaration of Independence, or is the widow of such signer, which application shall be subscribed and sworn to by the applicant, and the same shall be supported by the affidavits of at least two credible witnesses who reside in this State, and shall show that the facts stated by the applicant are true, and that the applicant is known and regarded in his or her neighborhood as a Texas veteran, or signer of the Declaration of Texas Independence, or the widow of a Texas veteran or signer of the Declaration of Texas Independence.

Sec. 3. Such application so signed by the applicant and two credible witnesses, shall be presented to the county judge, who shall hear evidence as to the property and the value of the same as stated in such application, and he shall then make his certificate under the seal of his office, attested by the clerk, stating his conclusions as to the value of the property owned by the applicant, and also the value of the property sold or conveyed by the applicant within twelve months previous to the date of his certificate; the county judge shall further state whether or not he believes the applicant's claim for a pension is a valid and just one, and that said person, veteran or widow, is in indigent circumstances, provided, that no applicant shall be deemed to be in indigent circumstances who owns property exceeding one thousand dollars in value. Upon the hearing of such application, the State shall be represented by the county attorney, or some other attorney appointed by the court, and it shall be the duty of the county or other attorney, to summon witnesses to testify in behalf of the State, and to secure such other testimony, oral or written, as may be necessary to protect the interests of the State.

Sec. 4. Such application so prepared and certified to, shall be filed with the Comptroller of Public Accounts, whose duty it shall be to satisfy himself that the applicant is entitled to the pension herein provided,

and he may require further and additional proof of the identity of the applicant, the service rendered, or of any other fact, by affidavit or record evidence, provided, no pension shall be granted any one under this act, whose claim has been rejected by the Veteran Board of this State as fraudulent.

Sec. 5. No person shall be entitled to a pension under this act unless it shall be made to appear to the Comptroller from the evidence as required in sections 2 and 3 of this act, that said person or veteran is in indigent circumstances, and is unable to provide a necessary support for himself or herself.

Sec. 6. The pension herein provided for shall begin on the first day of January 1883, and shall be paid quarterly in advance; that is to say thirty-seven dollars and fifty cents on the first day of January, April, July and October of each year, and the Comptroller shall draw his warrant for the same on the Treasurer, and upon presentation the Treasurer shall pay the same out of any moneys in the Treasury which may be appropriated for this purpose.

Sec. 7. On or after the first of each quarter the pensioner shall make his affidavit, stating the county of his residence, and that he is the identical person to whom a pension has been granted under this act which affidavit shall be supported by the affidavit of some other credible person to the same fact, and which affidavit may be made before any one authorized to administer oaths, which affidavit shall be filed with the Comptroller, and upon the filing of the same the Comptroller shall draw his warrant for the quarter found to be due.

Sec. 8. The necessities of those herein provided for, creates such an emergency, that an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this bill take effect from and after its passage, and it is so enacted.

Approved March 28, 1883.

Takes effect ninety days after adjournment.

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#### CHAPTER XLIX.—An Act confirming patents and surveys by virtue of headright and bounty warrants issued under special laws enacted after March 31st 1870 and prior to April 17th 1876.

Section 1. Be it enacted by the Legislature of the State of Texas: That all surveys and patents by virtue of headright or bounty warrants issued under special laws enacted after March the 31st 1870 and prior to April the 11th 1876 to which there is no valid legal objection other than that such special laws are supposed to be in conflict with the Constitution then in force, are hereby validated and confirmed and declared to be as binding upon the State as they otherwise would be if such special laws had been permitted by the Constitution; provided that, if such headright or bounty certificates have been forfeited under existing laws by location and survey on appropriated land, this act shall not be construed to revive the same; provided further, this act shall only apply to soldiers and heirs and actual settlers of Texas, and their vendees, to whom lands have been granted.

Sec. 2. The confusion and uncertainty respecting this class of titles creates an emergency that this act take effect and be in force from and after its passage and it is so enacted.

Approved March 31, 1883.

Takes effect ninety days after adjournment.

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CHAPTER L.—An Act to amend Article 1077 of Chapter 3 Title 15 of the Code of Criminal Procedure relating to fees paid for holding inquests.

Section 1. Be it enacted by the Legislature of the State of Texas: That article 1077 of chapter 3, title 15 of the Code of Criminal Procedure be amended so as to hereafter read as follows:

Article 1077. A justice of the peace shall be entitled for issuing a summons for a jury and all other business connected with an inquest on a dead body including certifying and returning the proceeding to the proper court, the sum of five dollars, to be paid by the county; provided, that when an inquest is held over the dead body of a State penitentiary convict, the State shall pay the inquest fees allowed by law, of all officers, upon the approval of the account therefor by the county commissioners' court of the county in which the inquest may be held, and the superintendent of penitentiaries; and provided further, that no inquest shall be held on the dead body of a State penitentiary convict if said convict died from disease and was attended by a regular physician, and a certificate by said physician showing said facts, be filed in the office of the county judge of the county in which said convict died, and in the office of the Superintendent of Penitentiaries.

Sec. 2. The fact that this bill may not be reached in the regular order, creates a necessity for suspending the rule requiring this bill to be read on three several days and it is hereby suspended.

Approved March 31, 1883.

Takes effect ninety days after adjournment.

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CHAPTER LI.—An Act to amend Articles 1667 and 1693 of the Revised Statutes.

Section 1. Be it enacted by the Legislature of the State of Texas: That article 1667 of the Revised Statutes be so amended as to read as follows:

"Article 1667. At the first regular or called session of the commissioners' court in each county in each year, or as soon thereafter as practicable, said court shall select and appoint some suitable and competent person in each election precinct, to serve as presiding officer of elections in said precinct, and said appointment shall be noted upon the minutes of the court; provided, that the commissioners' court of any county may have the power when they deem advisable, to appoint two presiding officers for each election precinct, one of whom



"shall be the presiding officer at the ballot box used for the deposit of ballots cast for electors for President and Vice-President of the United States, and members of Congress of the United States, and the other presiding officer at the ballot box used for the deposit of ballots cast for State, district and county officers.

Sec. 2. That article 1693 of the Revised Statutes be so amended as to read as follows:

"Article 1693. In all elections by the people, the vote shall be by ballot, which ballot may be either written or printed, or written in part, or printed in part, which ballot shall be deposited in the ballot box as hereinafter provided; provided, however, that whenever the commissioners' court of any county shall have made an order appointing two presiding officers in each election precinct, as provided in article 1667, then one of said presiding officers shall be designated as the presiding officer to receive and count and return, as provided by law, the ballots for electors for President and Vice-President of the United States, and members of Congress of the United States, and the other of said presiding officers shall be designated as the officer to receive, count and return the ballots cast for State, district and county officers; each to be provided with a metallic or wooden box, to be used for said purpose: and all laws in force pertaining to the holding of elections and making returns thereof shall apply alike to the managers of the election at each of said ballot boxes.

Sec. 3. The near approach of the close of the present session of the Legislature, and the probability that this bill will not become a law, creates an imperative public necessity for dispensing with the constitutional rule requiring this bill to be read on three several days in each house of the Legislature; and it is so enacted.

Approved April 2, 1883.

Takes effect ninety days after adjournment.

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## CHAPTER LII.—An Act to create the land districts of Mitchell and Howard.

Section 1. Be it enacted by the Legislature of the State of Texas: That the counties of Mitchell, Scurry, Kent, Garza, Dickens, Crosby and Lubbock be and the same are hereby made and constituted the Mitchell Land District, and the county surveyor of Mitchell county shall be the surveyor of said district. He shall keep his office in the town of Colorado City, and the records of all files and surveys of land in said district shall be kept in said office.

Sec. 2. That the counties of Howard, Borden, Lynn, Hockley, Cockran, Terry, Yoakum, Dawson, Gaines, Andrews and Martin be and the same are hereby made and constituted the Howard Land District, and the county surveyor of Howard county shall be the surveyor of said district. He shall keep his office in the town of Big Springs, and the records of all files and surveys of land in said district shall be kept in said office.

Sec. 3. It shall be the duty of the Commissioner of the General Land Office immediately after the taking effect of this act to furnish each of the surveyors named in this act, with a certified copy of the maps and field notes of all surveys in their said districts, which shall be filed in

their said offices and shall be public archives thereof, and it shall not be lawful for said surveyors to make any surveys within their said districts until said certified maps and field notes are received by them.

Sec. 4. That all laws and parts of laws in conflict with this act, in so far, as the same may effect the land districts hereby created, be and the same are hereby repealed.

Approved April 2, 1883.

Takes effect ninety days after adjournment.

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**CHAPTER LIII.—An Act to authorize and require the County Commissioners' Courts of the several counties of this State to provide for the payment of all claims due teachers of public free schools audited as valid claims under acts of the Legislature of Texas approved August 7th 1876, or April 22nd A. D. 1879, and to audit and pay such claims as should have been presented to, and audited by the auditorial board provided by said acts.**

Section 1. Be it enacted by the Legislature of the State of Texas: That the County Commissioners' Courts of the several counties in this State are hereby authorized and required in cases where any part of claims audited as valid under an act of the Legislature of Texas approved August 7th 1876, entitled "An Act to ascertain the amounts due teachers for services rendered in public schools from September 1st 1873 to January 1st 1876, and to provide for the payment of the same, or under the act approved April 22nd 1879 entitled "An Act to ascertain the amount due teachers for services rendered in public schools from September 1st 1873, to August 1st 1876, and to provide for the payment of the same" remains unpaid, to cause to be issued in favor of the holder of such claim, a warrant upon the county treasury against the school district owing such claim, for the amount due upon each claim.

Sec. 2. That where the auditorial boards provided under said acts of 1876 and 1879 failed to act in any county, or where from any other cause, a just claim was not presented to, and audited by such boards in any county then the holder of such claim may present the same to the Commissioners' Court of such county, who shall audit the same and issue a warrant therefor as is provided in section 1 of this act, and make provision for the payment thereof as indicated in section 3 of this act.

Sec. 3. That if there should not be money enough in the treasury of such county belonging to such school district to pay off the warrants provided for in sections 1 and 2 of this act then said Commissioners' Courts are hereby authorized and required to levy a special tax upon the taxable property within such district, to be collected as other taxes, sufficient to pay off said claims; provided that when in any county in which the boundaries of the several school districts were never defined nor the amount of such claims is found to be so small as not to justify the levying of a separate tax against such district, then the commissioners may in their discretion order such amount to be paid out of the general fund; provided further, that in counties in which school districts were never defined, the same shall be paid out of the general fund; and provided further, that where the tax to be levied on the district would be less than one tenth of one per cent on the one hundred dollars, then it shall be paid out of the general fund.

Sec. 4. That all claims such as are mentioned in sections 1 and 2 of this act, which are not presented to the several Commissioners' Courts within six months after this act goes into effect, shall be forever barred.

Sec. 5. The crowded condition of the business on hand, and the near approach of the close of the session creates an imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days, and such rule is hereby suspended.

Approved April 2, 1883.

Takes effect ninety days after adjournment.

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CHAPTER LIV.—An Act for the protection of the wool growing interests of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That whenever it appears from the assessor's rolls, that there are as many as five hundred sheep owned and assessed for taxes in any county of this State, it shall be the duty of the commissioners' court of said county upon the application of one or more resident owners of sheep of said county, to appoint an inspector of sheep, who shall be a resident citizen of the county, and well versed in the scab and other diseases which usually affect sheep; and said inspector shall hold his office for two years, or until his successor is qualified. Said inspector may appoint one or more deputies who shall take the oath of office prescribed by the Constitution, and may lawfully perform the same acts as the inspector of sheep, who may require of his deputies bonds for the faithful performance of duty.

Sec. 2. Said inspector of sheep shall, within twenty days after receiving notice of said appointment, and before entering upon the duties of his office, execute a bond with two or more good and sufficient sureties, in a sum to be fixed by the commissioners' court, not less than one thousand, nor more than five thousand dollars, payable to the county judge and his successors in office, conditioned that he will faithfully and impartially discharge, and perform all the duties incumbent upon him as inspector of sheep. Said bond shall be approved by the commissioners' court, and recorded in the office of the county clerk of said county.

Sec. 3. It shall be the duty of the inspector of sheep, or his deputy, to carefully and minutely examine and inspect, at any time, sheep in his county, or which may be driven into or through his county, and which he has reason to believe, or is informed in writing by one or more sheep owners of the county, is affected with scab, or any other infectious or contagious disease.

Sec. 4. The inspector shall be entitled to receive the sum of two cents per head, unless otherwise provided in this act, for all sheep inspected under the provisions of this act, provided, the inspector shall be entitled to only one cent per head for any number he may inspect for any one person in excess of two thousand head; in no one case shall his fees exceed fifty dollars. Such fees to be paid by the owner or person in charge of the sheep inspected; provided, that when an inspector shall inspect any sheep and find no scab to exist in the flock of sheep so inspected, then the fees for such services shall be paid by the party at whose instance such services were performed; and provided further, that the inspector shall have a lien for his fee, upon all sheep inspected by him and found

to be diseased with scab; also provided, that if any owner or person in charge of sheep affected with scab, report in writing to the county inspector or his deputy, that his sheep are so affected, and that he proposes to take means forthwith to cure the same; it shall not be lawful for the inspector to inspect such flock, or receive any fees for the same within twenty days after said report, provided, the inspector in such cases shall prescribe limits for said flock. Provided, that if after the expiration of the twenty days aforesaid, the inspector has received no notice in writing as hereinafter provided, from the party in charge of said flock, that he has thoroughly dipped his flock to cure the same as proposed, then the inspector shall be entitled to receive from such parties in charge of such sheep, the same fee as though he had inspected said flock and found the same diseased; provided further, that no person shall be required to dip his ewe sheep if pregnant with lamb, at any time within twenty days before or after lambing, but such person shall, nevertheless be required to hold such sheep within the portion of country prescribed by the county inspector for such sheep to be held in, during the time they are so affected with scab.

Sec. 5. Whenever any flock of sheep, in any county of this State, has been inspected and found to be afflicted with scab, it shall be the duty of the owner or person in charge of such flock, to thoroughly dip the same within twenty days from such inspection, and report such fact in writing to the inspector; and if no such report be made by the said owner, or person in charge of said flock, then it shall be the duty of the inspector to again inspect said flock, and may receive his fees as hereinbefore provided.

Sec. 6. It shall be the duty of the inspector, or his deputy, after the expiration of ninety days from the date of notification in writing, that any flock that is diseased, as provided in section 4, or from date of inspection of any diseased flock, or at any time they have reason to suspect said flock is afflicted with scab, to again carefully and minutely examine and inspect such flock or flocks, and if scab is still found to exist in said sheep, then the owner or person in charge of such sheep shall be required to again dip such sheep, as is required in the preceding section of this act.

Sec. 7. Whenever, by examination, inspection or otherwise, scab is found to exist in any flock of sheep in any county, the inspector shall at once notify the owner or person in charge thereof, of said fact, and shall prescribe certain limits within which said flock shall be herded until cured, provided, no person shall be so limited as to prevent him from herding or keeping his sheep on his own lands, or lands lawfully controlled by him, if the tracts of said land be so contiguous to each other, that in herding or driving the sheep, that the same will not go or be upon any tract or tracts of land of some other person; also provided, that the liberty given any person to hold diseased sheep anywhere upon lands lawfully controlled by him, shall not in any way be construed to exempt him from the provisions of sections 5 and 6 of this act.

Sec. 8. It shall be the duty of any owner or person in charge of sheep in which scab is found to exist, to immediately notify all persons in charge of sheep in vicinity of said flock. And until he shall have obtained a certificate from the inspector of his county, that his flock is cured, he shall not remove the same from the limits prescribed by said inspector.

Sec. 9. Any sheep being driven into or through any county in this

State shall be accompanied by a certificate from some inspector to the effect; that such sheep are free from scab; it shall state the date of inspection, and shall not be older than sixty days, and any person through whose range such sheep are being driven, or about to be driven, shall have the right to see said certificate upon request, and upon refusal to produce the same upon request, the party so refusing shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars, provided however, that said certificate shall not exempt said sheep from inspection at any time.

Sec. 10. For inspections made under the provisions of the preceding section, the inspector shall be entitled to receive the sum of one cent for each head of sheep covered by the certificate.

Sec. 11. Any sheep brought into Texas by rail, or other means of transportation, shall be disinfected by dipping or otherwise, before being removed from within a limit which shall be prescribed by the county inspector at point of disembarkation, if infected with scab.

Sec. 12. Any inspector of sheep, who shall fail to comply with any of the provisions of this act, or who shall wilfully and knowingly give a false certificate in any case where he is required to give a certificate, or who shall wilfully, and with intent to harrass, or put to expense any owner or person in charge of sheep notify said owner or person in charge, that his flock is diseased, or who shall wilfully demand or receive any fee or compensation where none is allowed by law, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than one hundred nor more than two hundred dollars, and thereupon the office shall be deemed vacant, and the commissioners' court may appoint another inspector for such county.

Sec. 13. Any owner or person in charge of sheep, who shall wilfully and knowingly violate any of the provisions of this act, where the penalty is not otherwise provided by this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred, nor more than two hundred dollars.

Sec. 14. That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Sec. 15. The present law upon the disease of scab being wholly insufficient for the protection of the wool growers of this State, and the necessity for a more efficient law upon the subject, creates an imperative public necessity and an emergency that the constitutional rule requiring this bill to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Sec. 16. The counties of Grayson, Freestone, Gonzales, Cooke, Bell, Coryell, Hamilton, Lampasas, Morris, Titus, Cass, Marion and Bowie, are hereby exempted from the operation of this law.

Approved April 4, 1883.

Takes effect after passage.

**CHAPTER LV.**—An Act to reserve and set apart three hundred and twenty-five leagues of land heretofore surveyed, for the benefit of the unorganized counties of the State and such organized counties as may have located their four leagues of school land, or any part thereof in conflict with valid prior locations or surveys, or which may from any cause fail to get title to the four leagues of land they are entitled to under the law.

Whereas, the commissioner and the contractor under an act entitled "An Act to provide for designating and setting apart three hundred leagues of land out of the unappropriated public domain for the benefit of the unorganized counties, and to provide for the survey and location of the same," approved March 26th 1881 have surveyed three hundred and twenty-five leagues. And whereas, some of the four leagues of land surveyed for some of the organized counties of this State, have been located in conflict with other older surveys; and whereas, other instances of this kind may arise, therefore,

Section 1. Be it enacted by the Legislature of the State of Texas: That the three hundred and twenty-five leagues of land heretofore surveyed under the provisions of an act entitled, "An Act to provide for designating and setting apart three hundred leagues of land out of the unappropriated public domain, for the benefit of the unorganized counties of the State, and to provide for the survey and location of the same, approved March 16th A. D. 1882, be and the same is hereby set apart and shall constitute a reservation out of which each of the unorganized counties of this State, as it may be organized, shall be entitled to receive four leagues of land for free school purposes, and out of which such organized counties of this State, as may have located their certificate for four leagues of school land in conflict with or upon land already appropriated by valid prior location and survey, or which from any cause have failed to get title to their four leagues of school land, shall be entitled to receive so much of said land as may be necessary to secure to any such county the number of acres it may be entitled to from any cause, or that may be declared to be in conflict by the Commissioner of the General Land Office.

Sec. 2. Each of said leagues of land shall be numbered by the Commissioner of the General Land Office, in the order in which it was surveyed, by the contractor or contractors, beginning at number one and extending to three hundred and twenty-five, and as each of the unorganized counties in this State shall be organized, such county shall be entitled to the first four leagues out of the reservation authorized by this act, which shall not have been patented to other counties for free school purposes. Upon the payment to the Treasurer of the State the actual costs of surveying fees and legal interest thereon from time of payment by the State and upon the payment of such costs and interest, the Commissioner of the General Land Office is hereby required to issue patents to said county for four leagues of land as above provided, but said counties shall not be required to pay patent fees for said patents.

Sec. 3. Any organized county in this State, shall in like manner as provided in the preceding section of this act, be entitled to receive so much of said land, not exceeding four leagues, as shall be necessary to secure to any such county, the number of acres of land heretofore located by such county, and which shall be declared to be in conflict with prior loca-

tions, and surveys by the Commissioner of the General Land Office or by the decree or judgment of any court having jurisdiction of the subject matter. And it shall be the duty of the Commissioner of the General Land Office, upon the written application of the county judge and any two of the county commissioners, accompanied by the decision of the Commissioner of the Land Office, or a certified copy of such decree or judgment, to issue patents to such county upon the same conditions and in like manner, as is provided for unorganized counties. Provided, if any such county should be entitled to receive a quantity less than one league, such land shall be surveyed at the expense of such county, in a square figure with at least two lines thereof (where more than one line is run) commencing on lines of original survey as may be selected by the county judge of the county that is entitled to the survey.

Sec. 4. The sum of two hundred dollars or so much thereof as may be necessary, is hereby appropriated to pay the contractor at the contract price, for surveying said additional twenty-five leagues.

Sec. 5. That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved April 7, 1883.

Takes effect ninety days after adjournment.

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CHAPTER LVI.—An Act to amend Sections three (3), six (6), and ten (10) of an act in relation to assignments for the benefit of creditors, and to regulate the same and the proceedings thereunder, approved March 24th, A. D. 1879.

Section 1. Be it enacted by the Legislature of the State of Texas, That section three (3) of an act of the Legislature of the State of Texas, entitled "An Act in relation to assignments for the benefit of creditors, and to regulate the same and the proceedings thereunder," approved March 24th A. D. 1879, be and the same is hereby amended so that it shall hereafter read as follows, to-wit:

"Section 3. Any debtor desiring so to do, may make an assignment for the benefit of such of his creditors only as will consent to accept their proportional share of his estate, and discharge him from their respective claims, and in such case the benefits of the assignment shall be limited and restricted to the creditors consenting thereto, and such debtor shall thereupon be and stand discharged from all further liabilities to such consenting creditors on account of their respective claims, and when paid they shall execute and deliver to the assignee for the debtor a release therefrom; provided, that such debtor shall not be discharged from liabilities to a creditor who does not receive as much as one-third of the amount due and allowed in his favor as a valid claim against the estate of such debtor."

Sec. 2. That section six (6) of said act be and the same is, hereby amended so that it shall hereafter read as follows, to-wit:

"Section 6. Every such assignee shall be a resident of this State and of the county in which the assignor resides, or in which his principal business was conducted, and he shall forthwith after the execution and delivery of the deed of assignment, cause the same to be recorded as herein provided, in the county of such assignee's residence, and also in every

county in which there is any real property conveyed to him by such deed of assignment, and shall execute a bond, with sureties, to be approved by the judge of the county court of the county in which the assignee resides, or by the judge of the district court of the judicial district in which such county is situated, conditioned that he will faithfully discharge his duties as such assignee, and that he will make proportional distribution of the net proceeds of the assigned estate among the creditors entitled thereto, which bond shall be payable to the State of Texas, and shall be filed with the county clerk of the county in which such assignee resides, and shall inure to the benefit of the assignor, and the creditor, or creditors, who may maintain an action thereon against such assignee and sureties, in his or their own name, jointly or severally, for any breach thereof, or violation of this law, by reason of which such assignor or creditor shall sustain damage, and upon the filing of said bond the assignee shall take possession of the assigned property, and proceed to execute the assignment, and if such assignee shall not, within five days after the delivery of the deed of assignment, execute an approved bond and file the same with the county clerk, as herein provided, such assignment shall, nevertheless, take effect as against the assignor and his creditors, and it shall be the duty of the county judge, or judge of the district court, as aforesaid, upon the application of the assignor, or any creditor, and being satisfied that such bond has not been given, approved and filed, to appoint in writing another competent assignee, who shall, upon the execution of such bond, approved and filed as herein provided, take possession of the assigned property, and proceed to execute the assignment. And it is further enacted, that no fraudulent act, intent or purpose of the assignor or assignee shall have the effect to defeat the assignment or to deprive the creditor's consenting thereto from the benefits thereof, but any such fraudulent act, intent or purpose on the part of the assignee shall be sufficient cause for his removal, as being an unsuitable person to perform the trust, and any consenting creditor may be or become a party to prosecute or defend in any suit or proceeding necessary or proper for the enforcement of his rights under such assignments, or for the protection of his interests in the assigned property."

Sec. 3. That section ten (10) of said act be, and the same is, hereby amended so that it shall hereafter read as follows, to-wit:

"Sec. 10. No assignment shall be declared fraudulent or void for want of any inventory or list, as provided herein, but the absence of the same shall be deemed prima facie evidence that the assignor or debtor has concealed or secreted some of his estate from his assignee or creditors, and whether the said list and inventory be prepared and filed or not, the judge of the district or county court, in whose court the proceedings shall have been filed, and having jurisdiction of the estate assigned, may, on the application of the assignee, or of any creditor of the assignor or debtor, or without such application, if the judge see fit, at all times require, upon such reasonable notice as the judge may direct, the assignor or debtor, or any other person, to attend and submit to an examination, on oath, upon all matters relating to the disposition made, or status of the property of the estate assigned, including all transactions in the past bearing upon the rights of the assignee or creditors with respect to the estate in assignment, as contemplated in law. The judge may enforce attendance and obedience to the orders made by a writ or order directed to the sheriff, or any constable, commanding the arrest of the persons referred to in the writ or order, to be brought be-



fore the judge at a time named for the purpose of examination, as provided herein, and such examination shall be in writing, and shall be signed by the persons examined, and shall be filed and attested or sworn to with the clerk of the court, wherein the proceedings are pending, for the use of those interested in the estate; provided, nevertheless, that no assignor or debtor shall be prosecuted or punished for any matter or thing disclosed by him on such examination as had above. The costs of such proceedings to be paid out of the estate assigned, or by the applicant for the examination, as the judge in each case may deem right and proper to order.

Sec. 4. The near approach of the close of the session creates an imperative public necessity authorizing the suspension of the rule requiring bills to be read on three several days, and such rule is hereby suspended.

Approved April 7, 1883.

Takes effect ninety days after adjournment.

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CHAPTER LVII.—An Act authorizing cities on the coast of Texas, to appropriate money and to issue bonds for improvement of their harbors, and of the bars at the entrance thereof, and to levy a tax to pay for the same.

Section 1. Be it enacted by the Legislature of the State of Texas: That the boards of aldermen or other constituted municipal authorities of cities bordering on the coast of the Gulf of Mexico, are hereby authorized and empowered to appropriate money to improve, and to aid in the improvement of their harbors and of the bars at the entrance thereof; provided, that they shall not thereby increase their aggregate debt beyond the amount of indebtedness limited by their charters respectively; such appropriations to be made out of any surplus funds which may at any time be on hand, and by the use or sale of any bonds heretofore authorized to be issued; provided, such bonds are not needed for the purposes for which they were specially authorized; and also if necessary therefor, to issue and dispose of bonds with interest coupons attached, in such amounts as may be necessary, not to exceed the limit of indebtedness fixed by their charters.

Sec. 2. The city council or other constituted municipal authorities, as the case may be, shall levy an annual ad valorem tax on the property in said city, sufficient to pay the interest and create a sinking fund for the redemption of said bonds, as required by the Constitution.

Sec. 3. The interest on said bonds shall be paid semi-annually, and it shall not exceed five per cent.

Sec. 4. Said bonds shall not be sold at less than par.

Sec. 5. Whereas, the great demand for harbor improvements on the coast of Texas, and the near approach of the close of this session, creates an imperative public necessity and emergency for the suspension of the rule requiring this bill to be read on three several days, and it is so suspended, and that the same take effect and be in force from and after its passage, and it is so enacted.

Approved April 7, 1883.

Takes effect after passage.

**CHAPTER LVIII.—An Act to amend Article 4462 of the Revised Civil Statutes of the State of Texas.**

Section 1. Be it enacted by the Legislature of the State of Texas, That Article 4462 of the Revised Civil Statutes of the State of Texas shall hereafter read as follows:

Article 4462. The chief clerk of the Comptroller's Office, the chief clerk and receiving clerk of the General Land Office, the chief clerk of the State Department, the chief clerk of the Treasurer's Office, and each librarian of the Supreme Court, shall receive such salaries as may be prescribed by law.

Sec. 2. The early adjournment of the Legislature, and the fact that appropriations must be made for the support of these officers, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and this act take effect and be in force from and after its passage, and it is so enacted.

Approved April 7, 1883.

Takes effect ninety days after adjournment.

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**CHAPTER LIX.—An Act to amend Article 2403, Chapter 3, Title 42, of the Revised Civil Statutes of the State of Texas.**

Section 1. Be it enacted by the Legislature of the State of Texas, That Article 2403, Chapter 3, Title 42, of the Revised Civil Statutes of the State of Texas be so amended as to hereafter read as follows:

"Article 2403. The county treasurer shall receive commissions on the moneys received and paid out by him, said commissions to be fixed by order of the commissioners' courts as follows: For receiving and paying out moneys belonging to the school fund, not exceeding one per cent; for receiving any other moneys for the county not exceeding two and one-half per cent, and not exceeding two and one-half per cent for paying out the same; provided, in counties where the treasurer's fees under this article amount to less than four hundred dollars, the commissioners' court may increase the per cent to such a rate as will secure the said county treasurer's fees not more than four hundred dollars per annum; provided, that such increased compensation shall be paid out of the general revenues of the county; and provided further, that this act shall apply only to counties in which the bond required of the treasurer shall be as much as twenty thousand dollars."

Sec. 2. The fact that in many counties of the State the compensation of the county treasurers is so grossly inadequate as to induce the fear that the office will be vacant, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is accordingly so enacted.

Approved April 7, 1883.

Takes effect after passage.

CHAPTER LX.—An Act to amend Article 1134 of the Revised Civil Statutes of the State of Texas, and to add Article 1134a, requiring county judges now in office to give official bonds.

Section 1. Be it enacted by the Legislature of the State of Texas: That article 1134 of the Revised Statutes of the State of Texas, be so amended as to read as follows:

Article 1134. The county judge shall, before entering on the duties of his office, execute a bond with two or more good and sufficient sureties, to be approved by the commissioners' court of his county in a sum of not less than one thousand dollars nor more than five thousand dollars, the amount of said bond to be determined and fixed by the county commissioners' court, payable to the treasurer of his county conditioned that he will pay over to the person or officer entitled to receive it, all moneys that may come into his hands as county judge, within thirty days after he shall have received the same, and take the oath of office prescribed in the Constitution, and the further oath required of the several members of the commissioners' court.

Sec. 2. That an additional article shall be inserted in the Revised Civil Statutes, to read as follows, viz;

Article 1134a. That the county judges now in office in this State, shall within thirty days after this act takes effect, execute bonds in accordance with the provisions of the first section of this act, and upon the failure of the county judge of any county to execute such bond within thirty days or before the next regular term of the commissioners' court of such county, after the expiration of said thirty days, it shall be the duty of such court to declare the office of county judge vacant, and proceed at once to fill such vacancy in the manner prescribed by law.

Sec. 3. Whereas, under the laws now in force a large amount of the county funds are collected by the county judge from those hiring county convicts; and whereas, a large amount of the school fund belonging to the counties pass through his hands; and whereas; there is no adequate protection for such funds under the laws now in force in this State; therefore an imperative public necessity and emergency exists for the immediate passage of this act: It is therefore enacted that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage.

Approved April 9, 1883.

Takes effect ninety days after adjournment.

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CHAPTER LXI.—An Act to amend Articles 1678, 1698, 1699, 1700, 1705, 1707, 1708 and 1709 of the Revised Civil Statutes of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That articles 1678, 1698, 1699, 1700, 1705, 1707, 1708 and 1709 of the Revised Civil Statutes of the State of Texas be so amended as to hereafter read as follows:

Article 1678. The presiding officer, judges and clerks of election

shall be entitled to receive, as compensation for their services, the sum of two dollars each, for each day, and two dollars for each night, for each and every day and night, necessarily employed by them in the discharge of their duties; the same to be paid by the county treasurer of the county where such services are rendered, upon the order of the commissioners' court of such county; provided, they shall receive compensation for not more than one day and one night.

Article 1698. When the ballots have all been counted, the managers of the election in person shall make out triplicate returns of the same, certified to be correct, and signed by them officially, showing, first, the total number of votes polled at such box; second, the number polled for each candidate, one of which returns, together with poll lists and tally lists, shall be sealed up in an envelope and delivered by one of the managers of election to the county judge of the county; another of said returns, together with poll lists and tally lists, shall be delivered by one of the managers of election to the clerk of the county court of the county, to be kept by him in his office open to inspection by the public for twelve months from the day of election; and the other of said returns, poll and tally lists shall be kept by the presiding officer of the election for twelve months from the day of election.

Article 1699. In case of vacancy in the office of county judge, or the absence, failure or inability of that officer to act, the election returns shall be delivered to the clerk of the county court of the county, who shall safely keep the same in his office, and he, or the county judge, as the case may be, shall deliver the same to the county commissioners' court on the day appointed by law to open and compare the polls.

Article 1700. The election returns shall be delivered as provided in the two preceding articles, on or before the Monday next following the day of election.

Article 1705. On the Monday next following the day of election, and not before, the county commissioners' court shall open the election returns, and estimate the result, recording the state of the polls in each precinct in a book to be kept for that purpose; provided that, in the event of failure, from any cause, of the commissioners' court to convene on the Monday following the election to compute the votes, then said court shall be convened for that purpose upon the earliest day practicable thereafter.

Article 1707. After an estimate of the result of an election has been made, as provided for in this act, the county judge shall deliver to the candidate, or candidates, for whom the greatest number of votes have been polled for county and precinct officers, a certificate of election, naming therein the office to which such candidate has been elected, the number of votes polled for him, and the day on which such election was held; and shall sign the same, and cause the seal of the county court to be thereon impressed.

Article 1708. If the county constitutes a senatorial or representative district of itself, the county commissioners' court shall, at the same time, make an estimate of the votes polled for members of the Legislature; and the county judge shall give a like certificate of election, as provided in the preceding article, to the person receiving the highest number of votes for Senator or Representative, and shall, also, transmit a duplicate of such certificate to the Secretary of State.

Article 1709. In all elections for Comptroller of Public Accounts, Treasurer of the State, Commissioner of the General Land Office, Attor-

ney General, Judges of the Supreme Court, Court of Appeals and district courts, district attorneys, and for Representatives in the Congress of the United States, the county judge shall, on the Monday next following the day of election, and not before, make out duplicate returns of the election; one of which he shall immediately transmit to the seat of government in this State, sealed in an envelope, directed to the Secretary of State, and endorsed, "Election returns for ..... county for ..... [filling the first blank with the name of the county, and the other blank with the office for which the election was held;] and the other of such returns shall be deposited in the office of the clerk of the county court of the county where such election was held.

Approved April 9, 1883.

Takes effect ninety days after adjournment.

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CHAPTER LXII.—An Act to create the land districts of Wheeler, Oldham, Donley and Wilbarger.

Section 1. Be it enacted by the Legislature of the State of Texas: That the counties of Wheeler, Greer, Collingsworth, Gray, Hutchinson, Hansford, Ochiltree, Roberts, Hemphill and Lipscomb, are hereby made and constituted the Wheeler Land District, and the county surveyor of Wheeler county shall be the surveyor of said district: he shall keep his office at the county seat of said Wheeler county, and the records of all files and surveys of land in said district shall be kept in said office.

Sec. 2. That the counties of Oldham, Sherman, Moore, Potter, Castro, Parmer, Deaf Smith, Hartley and Dallam are hereby made and constituted the Oldham Land District, and the county surveyor of Oldham county shall be the surveyor of said district: he shall keep his office at the county seat of Oldham county, and the records of all files and surveys of land in said district shall be kept in said office.

Sec. 3. That the counties of Donley, Carson, Armstrong, Swisher, Randall, Floyd, Briscoe, Hall and Childress are hereby made and constituted the Donley Land District, and the county surveyor of Donley county shall be the surveyor of said district: he shall keep his office at county seat of said Donley county, and the records of all files and surveys of land in said district shall be kept in said office.

Sec. 4. That the counties of Wilbarger and Hardeman are hereby constituted the Wilbarger Land District, and the county surveyor of Wilbarger shall be the surveyor of said district: he shall keep his office at the county seat of Wilbarger county, and the records of all files and surveys of land in said district shall be kept in said office.

Sec. 5. It shall be the duty of the Commissioner of the General Land Office, immediately after this act takes effect, to furnish each of the said district surveyors named in this act, with a certified copy of all maps, field notes and sketches of all surveys in their said districts, which shall be filed in their said offices, and shall be public archives thereof: and it shall not be lawful for said surveyors to make any surveys, within their said districts, until said certified copies are received by them.

Sec. 6. That all laws and parts of laws in conflict with this act, in so far as the same may affect the land districts hereby created, be and the same are hereby repealed.

Sec. 7. The near approach of the close of the session and the great amount of important matters to be disposed of by this Legislature, creates an imperative public necessity and an emergency exists, requiring the constitutional rule requiring this bill to be read on three several days, be suspended; and it is so enacted.

Approved April 9, 1883.

Takes effect ninety days after adjournment.

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CHAPTER LXIII.—An Act to amend Articles 1006, 1007, and 1008 of the Revised Civil Statutes of the State of Texas, approved February 21st 1879.

Section 1. Be it enacted by the Legislature of the State of Texas: That Articles 1006, 1007, and 1008 of the Revised Civil Statutes of the State of Texas shall hereafter read as follows:

Article 1006. Appeals and writs of error from the counties of Anderson, Bowie, Camp, Cass, Cherokee, Delta, Franklin, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood shall be returnable to the term of said court held at Tyler; provided, that all cases from the county of Navarro pending in the Supreme Court and Court of Appeals at Austin, and undetermined at the adjournment of the term of said court, commencing on the first Monday in April, 1883, shall be transferred to Tyler, and shall be entered upon the dockets of said courts at Tyler, and shall be tried and determined in the same manner as if said cases had originally been made returnable to the term of said courts held at Tyler.

Art. 1007. Appeals and writs of error from the counties of Aransas, Angelina, Austin, Bee, Brazoria, Burleson, Calhoun, Cameron, Chambers, Colorado, De Witt, Duval, Encinal, Fayette, Fort Bend, Freestone, Galveston, Goliad, Gonzales, Grimes, Hardin, Harris, Hidalgo, Houston, Jackson, Jasper, Jefferson, Lavacca, Leon, Liberty, Madison, Matagorda, Montgomery, Newton, Nueces, Orange, Polk, Refugio, San Jacinto, San Patricio, Starr, Trinity, Tyler, Victoria, Walker, Waller, Washington, Webb, Wharton and Zapata shall be returnable to the terms of said court at Galveston; provided, that all cases from the counties of Burleson and Washington pending in the Supreme Court, and Court of Appeals at Austin, and undetermined at the adjournment of the term of said court commencing on the first Monday in April 1883, shall be transferred to Galveston and shall be entered upon the docket of said courts at Galveston, and shall be tried and determined in the same manner as if said cases had originally been made returnable to the term of said courts held at Galveston.

Art. 1008. Appeals and writs of error from the counties of Anderson, Archer, Armstrong, Atascosa, Bailey, Bandera, Bastrop, Baylor, Bell, Bexar, Blanco, Borden, Bosque, Brazos, Briscoe, Brown, Burnet, Caldwell, Callahan, Carson, Castro, Childress, Clay, Cockran, Coleman, Collin, Collingsworth, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crockett, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Denton, Dickens, Dimmit, Donley, Eastland, Edwards, Ellis, El Paso, Erath,

Falls, Fannin, Fisher, Floyd, Frio, Gaines, Garza, Gillespie, Gray, Grayson, Greer, Gaudalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hartley, Haskell, Hays, Hemphill, Hill, Hockley, Hood, Howard, Hutchinson, Jack, Johnson, Jones, Karnes, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamar, Lamb, Lampasas, La Salle, Lee, Limestone, Lipscomb, Live Oak, Llano, Lubbock, Lynn, Martin, Mason, Maverick, McCulloch, McLennan, McMullen, Medina, Menard, Milam, Mitchell, Montague, Moore, Motley, Nolan, Ochiltree, Oldham, Palmer, Palo Pinto, Parker, Pecos, Potter, Presidio, Randall, Roberts, Robertson, Rockwall, Runnels, San Saba, Scurry, Shackelford, Sherman, Somervell, Stephens, Stonewall, Swisher, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Travis, Uvalde, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Wise, Yoakum, Young, and Zavala shall be returnable to the term of said court held at Austin.

Sec. 2. The near approach of the close of the session, and the great press of business, rendering it improbable that this bill will be reached in its regular order, and the importance of this bill creates an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and such rule is hereby suspended.

Approved April 9, 1883.

Takes effect ninety days after adjournment.

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CHAPTER LXIV.—An Act to amend Section 1 of an Act entitled "An Act to provide for the traveling and other contingent expenses of the Quartermaster and Commissary of the Frontier Battalion," approved May 4th 1874.

Section 1. Be it enacted by the Legislature of the State of Texas: That section 1 of the above entitled act be so amended as to hereafter read as follows, to-wit: That the quartermaster and commissary of the Frontier Battalion be and is hereby allowed the sum of three hundred dollars per annum for his traveling and other contingent expenses.

Sec. 2. That the near approach of the close of this session of the Legislature and the desire for economy in the management of this frontier force, creates an emergency, and an imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is accordingly suspended, and this act shall be in force and take effect from and after its passage.

Approved April 9, 1883.

Takes effect ninety days after adjournment.

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CHAPTER LXV.—An Act to repeal an act entitled "An Act prescribing the place for the sale of property under legal process, and deeds of trust, in Marion county," approved January 25th, 1875.

Section 1. Be it enacted by the Legislature of the State of Texas: That the act entitled "An Act prescribing the place for the sale of prop-

erty under legal process and deeds of trust in Marion county," approved January 25th 1875, be and the same is hereby repealed.

Sec. 2. Whereas this session of the Legislature is rapidly drawing to a close, and whereas the court-house door of Marion county as defined in the above act is different from the court-house door proper; therefore in order to prevent confusion and to facilitate the sale under legal process; therefore an imperative public necessity exists requiring the constitutional rule which requires bills to be read on three several days in each house be suspended, and that this act take effect and be in force from and after the 8th day of April 1883.

Approved April 9, 1883.

Takes effect after passage.

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**CHAPTER LXVI.**—An Act to restore to and confer upon the county courts of Comanche, El Paso, Presidio, Pecos, Tom Green, and Hidalgo counties, the civil and criminal jurisdiction heretofore belonging to said courts, under the Constitution and general statutes of the State, to conform the jurisdiction of the district courts to such change, and to repeal all laws in conflict with the provisions of this act.

Section 1. Be it enacted by the Legislature of the State of Texas: That the county courts of the counties of Comanche, El Paso, Presidio, Pecos, Tom Green, and Hidalgo shall hereafter have exclusive original jurisdiction in civil cases when the matter in controversy shall exceed in value two hundred dollars, and shall not exceed five hundred dollars, exclusive of interest and shall have concurrent jurisdiction with the district courts of said counties when the matter in controversy shall exceed five hundred dollars, and not exceed one thousand dollars.

Sec. 2. Said county courts shall have appellate jurisdiction in civil cases over which the justices courts have original jurisdiction, when the judgment of the court appealed from, or the amount in controversy, shall exceed twenty dollars; and said county courts shall have power to hear and determine cases brought up from the justices courts by certiorari, under the provisions of the title of the Revised Civil Statutes relating thereto.

Sec. 3. The county judges of said counties shall have authority, either in term time or vacation, to grant writs of mandamus, injunction, sequestration, attachment, garnishment, certiorari and supersedeas and all other writs necessary to the enforcement of the jurisdiction of said courts, and shall also have power to issue writs of habeas corpus in all cases in which the Constitution has not conferred the power on the district courts or judges thereof.

Sec. 4. Said county courts shall have jurisdiction in the forfeiture and judgment of all bonds and recognizances taken in criminal cases, of which criminal cases said courts have jurisdiction.

Sec. 5. Said county courts shall have exclusive original jurisdiction of all misdemeanors except misdemeanors involving official misconduct, and except cases in which the highest penalty of fine that may be imposed under the law may not exceed two hundred dollars; and said courts shall also have appellate jurisdiction in criminal cases of which justices of the peace and other inferior tribunals of said counties have original jurisdiction.



Sec. 6. The district courts of said counties of Comanche, El Paso, Presidio, Pecos, Tom Green, and Hidalgo, shall no longer have jurisdiction of cases of which the county courts of said counties, by the provisions of this act, have exclusive original or appellate jurisdiction; and it shall be the duty of the district clerks of said counties, within thirty days after the passage of this act, to make a full and complete transcript of all orders on their respective dockets, in cases now pending before said district courts, of which cases by the terms of this act, exclusive jurisdiction is given the county court, and to deliver said transcript, together with the original papers, and a certified bill of costs in each case to the clerks of said county courts herein named, and said county clerks shall enter said cases on their respective dockets for trial by said county courts.

Sec. 7. The county courts of said counties shall hereafter hold their regular terms for civil and criminal business, as provided in the Constitution and general laws of the State, and all process heretofore issued from the district courts of said counties, in cases to be transferred under this act to the county courts, shall be returnable to the first term of the proper county court, and all civil cases so transferred shall be entered as appearance causes upon the dockets of said county court.

Sec. 8. All laws in conflict with the provisions of this act are hereby repealed.

Sec. 9. The crowded condition of the dockets of the district courts of the counties herein named, creates an emergency and an imperative public necessity that the rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage.

Approved April 9, 1883.

Takes effect after passage.

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CHAPTER LXVII.—An Act to re-district the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November 1884.

Section 1. Be it enacted by the Legislature of the State of Texas: That said State shall be re-districted into the following judicial districts, and district judges and district attorneys be elected in said districts as hereinafter provided: The first judicial district shall be composed of the counties of Jasper, Newton, Orange, Jefferson and Tyler: and the district courts therein shall be held as follows: In the county of Jasper on the first Mondays in March and September, and may continue in session three weeks. In the county of Newton, on the third Monday after the first Mondays in March and September and may continue in session three weeks. In the county of Orange on the sixth Monday after the first Mondays in March and September, and may continue in session four weeks. In the county of Jefferson on the tenth Monday after the first Mondays in March and September, and may continue in session four weeks. In the county of Tyler on the fourteenth Monday after the first

**Mondays in March and September and may continue in session until the business is disposed of.**

**Sec. 2.** The second judicial district shall be composed of the counties of Sabine, San Augustine, Nacogdoches and Cherokee, and the district courts shall be held therein as follows: In the county of Sabine on the first Mondays in February and September, and may continue in session two weeks. In the county of San Augustine on the second Mondays after the first Mondays in February and September, and may continue in session four weeks. In the county of Nacogdoches on the sixth Monday after the first Mondays in February and September, and may continue in session six weeks. In the county of Cherokee on the twelfth Monday after the first Mondays in February and September, and may continue in session until the business is disposed of.

**Sec. 3.** The third judicial district shall be composed of the counties of Henderson, Houston and Anderson, and the district courts shall be held therein as follows: In the county of Henderson on the first Mondays in February and September, and may continue in session four weeks. In the county of Houston on the fourth Monday after the first Mondays in February and September, and may continue in session seven weeks. In the county of Anderson on the eleventh Monday after the first Mondays in February and September, and may continue in session until the business is disposed of.

**Sec. 4.** The fourth judicial district shall be composed of the counties of Rusk, Panola, Shelby, and Harrison, and the district courts shall be held therein as follows: In the county of Rusk on the first Mondays in January and July, and may continue in session six weeks. In the county of Panola on the sixth Monday after the first Mondays in January and July, and may continue in session four weeks. In the county of Shelby on the tenth Monday after the first Mondays in January and July, and may continue in session three weeks. In the county of Harrison on the sixteenth Monday after the first Mondays in January and July, and may continue in session until the business is disposed of.

**Sec. 5.** The fifth judicial district shall be composed of the counties of Bowie, Cass, Marion, Morris, Titus, Franklin and Camp, and the district courts therein shall be held as follows: In the county of Cass on the first Mondays in February and September, and may continue in session three weeks. In the county of Bowie on the third Monday after the first Mondays in February and September, and may continue in session three weeks. In the county of Morris on the sixth Monday after the first Mondays in February and September, and may continue in session two weeks. In the county of Titus on the eighth Monday after the first Mondays in February and September, and may continue in session two weeks. In the county of Franklin on the tenth Monday after the first Mondays in February and September, and may continue in session two weeks. In the county of Camp on the twelfth Monday after the first Mondays in February and September, and may continue in session two weeks. In the county of Marion on the fourteenth Monday after the first Mondays in February and September and may continue in session six weeks: Provided, that no jury shall be empannelled in Marion county after the fourth weeks of said terms, unless the judge in term time shall make an order, to be entered on the minutes of the district court, directing that juries be drawn for a longer time at the succeeding term.

**Sec. 6.** The sixth judicial district shall be composed of the counties of Fannin, Lamar and Red River and the district court therein shall be

held as follows: In the county of Fannin on the third Mondays in February and August and may continue in session six weeks. In the county of Lamar on the sixth Monday after the third Mondays in February and August and may continue in session seven weeks. In the county of Red River on the thirteenth Monday after the third Mondays in February and August and may continue in session five weeks.

Sec. 7. The seventh judicial district shall be composed of the counties of Smith, Van Zandt, Raines, Wood, Upshur and Gregg and the district courts shall be held therein as follows: In the county of Upshur on the first Monday in February and the last Monday in August and may continue in session two weeks. In the county of Gregg on the second Monday after the first Monday in February and last Monday in August and may continue in session three weeks. In Smith county on the fifth Monday after the first Monday in February and last Monday in August and may continue in session eight weeks. In the county of Van Zandt on the thirteenth Monday after the first Monday in February and last Monday in August and may continue in session four weeks. In the county of Raines on the seventeenth Monday after the first Monday in February and last Monday in August and may continue in session two weeks. In the county of Wood on the nineteenth Monday after the first Monday in February and last Monday in August and may continue in session for two weeks.

Sec. 8. The eighth judicial district shall be composed of the counties of Kaufman, Hunt, Hopkins, Delta and Rockwall and the district courts shall be held therein as follows; In the county of Hunt on the first Mondays in January and July and may continue in session six weeks. In the county of Delta on the sixth Monday after the first Mondays in January and July, and may continue in session three weeks. In the county of Hopkins on the ninth Monday after the first Mondays in January and July and may continue in session five weeks. In the county of Rockwall on the eighteenth Monday after the first Mondays in January and July and may continue in session two weeks. In the county of Kaufman on the twentieth Monday after the first Mondays in January and July and may continue in session five weeks.

Sec. 9. The ninth judicial district shall be composed of the counties of Chambers, Liberty, Hardin, San Jacinto, Polk and Angelina and the district court therein shall be held as follows: In the county of Chambers on the first Mondays in March and September and may continue in session two weeks. In the county of Liberty on the second Mondays after the first Mondays in March and September and may continue in session four weeks. In the county of Hardin on the sixth Mondays after the first Mondays in March and September and may continue in session two weeks. In the county of San Jacinto on the eighth Mondays after the first Mondays in March and September and may continue in session five weeks. In the county of Polk on the fourteenth Mondays after the first Mondays in March and September and may continue in session five weeks. In the county of Angelina on the nineteenth Mondays after the first Mondays in March and September and may continue in session three weeks, or until the business is disposed of.

Sec. 10. The county of Galveston shall constitute the tenth judicial district and the district court shall be begun and held therein as follows: On the first Mondays in February, April, June, August, and December and may continue in session until the business is disposed of.

Sec. 11. The eleventh judicial district shall be composed of the

counties of Harris and Montgomery and the district courts shall be held therein as follows: In the county of Montgomery on the first Mondays in February and September may continue in session four weeks. In the county of Harris on the second Mondays in March and October and may continue in session until the business is disposed of.

Sec. 12. The twelfth judicial district shall be composed of the counties of Grimes, Walker, Madison, Trinity and Leon and the district courts shall be held therein as follows: In the county of Trinity on the second Mondays in February and August and may continue in session three weeks. In the county of Walker on the first Mondays in March and September and may continue in session four weeks. In the county of Grimes on the fourth Monday after the first Mondays in March and September and may continue in session five weeks. In the county of Madison on the ninth Monday after the first Mondays in March and September and may continue in session three weeks. In the county of Leon on the twelfth Monday after the first Mondays in March and September and may continue in session until the business is disposed of.

Sec. 13. The thirteenth judicial district shall be composed of the counties of Limestone, Freestone and Navarro and the district courts shall be held therein as follows: In the county of Freestone on the first Mondays in February and September and may continue in session four weeks. In the county of Navarro on the first Mondays in June and December and may continue in session eight weeks. In the county of Limestone on the fourth Monday after the first Mondays in February and September and may continue in session eight weeks.

Sec. 14. The fourteenth judicial district shall be composed of the counties of Dallas and Ellis and the district courts shall be held therein as follows: In the county of Ellis on the first Mondays in February and September and may continue in session five weeks. In the county of Dallas on the second Mondays in March, May, October and December and may continue in session until the business is disposed of.

Sec. 15. The fifteenth judicial district shall be composed of the counties of Grayson and Collin and the district courts shall be held therein as follows: In the county of Collin on the first Mondays in January and June and may continue in session eight weeks. In the county of Grayson on the second Mondays in March and September and may continue in session until the business is disposed of.

Sec. 16. The sixteenth judicial district shall be composed of the counties of Cooke, Denton, Wise and Montague and the district courts shall be held therein as follows: In the county of Cooke on the first Mondays in January and July and may continue in session seven weeks. In the county of Denton on the seventh Monday after the first Mondays in January and July and may continue in session seven weeks. In the county of Wise on the fourteenth Monday after the first Mondays in January and July and may continue in session six weeks. In the county of Montague on the twentieth Monday after the first Mondays in January and July and may continue in session until the business is disposed of.

Sec. 17. The seventeenth judicial district shall be composed of the counties of Parker and Tarrant and the district courts therein shall be held as follows: The county of Parker on the first Mondays in February and August and may continue in session six weeks. In the county of Tarrant on the sixth Monday after the first Mondays in February and August and may continue in session until the business is disposed of.

Sec. 18. The eighteenth judicial district shall be composed of the

counties of Johnson, Hill and Bosque and the district courts therein shall be held as follows: In the county of Bosque on the third Mondays in January and August and may continue in session six weeks. In the county of Hill on the sixth Monday after the third Mondays in January and August and may continue in session five weeks. In the county of Johnson on the eleventh Monday after the third Mondays in January and August and may continue in session until the business is disposed of, also in the county of Hill on the first Monday in July and may continue in session until the business is disposed of.

Sec. 19. The nineteenth judicial district shall be composed of the counties of McLennan and Falls and the district courts shall be held therein as follows: In the county of Falls on the first Mondays in January and July and may continue in session eight weeks. In the county of McLennan on the first Mondays in March and October and may continue in session until the business is disposed of.

Sec. 20. The twentieth judicial district shall be composed of the counties of Milam, Robertson and Brazos and the district courts shall be held therein as follows: In the county of Robertson on the first Monday in January and second Monday in June and may continue in session eight weeks. In the county of Brazos on the first Mondays in March and September and may continue in session six weeks. In the county of Milam on the third Mondays in April and October and may continue in session seven weeks.

Sec. 21. The counties of Washington, Burleson and Lee shall compose the twenty first judicial district and the district court shall be held therein as follows: In the county of Washington on the first Mondays in March and September and may continue in session eight weeks. In the county of Lee on the eighth Monday after the first Mondays in March and September and may continue in session three weeks. In the county of Burleson on the eleventh Monday after the first Mondays in March and September and may continue in session three weeks.

Sec. 22. The twenty second judicial district shall be composed of the counties of Austin, Fayette, Bastrop, Caldwell and Hays and the district courts shall be held therein as follows: In the county of Hays on the first Mondays in March and September and may continue in session three weeks. In the county of Caldwell on the fourth Mondays in March and September and may continue in session three weeks. In the county of Bastrop on the sixth Monday after the first Mondays in March and September and may continue in session four weeks. In the county of Fayette on the tenth Monday after the first Mondays in March and September and may continue in session six weeks. In the county of Austin on the seventeenth Monday after the first Mondays in March and September and may continue in session four weeks.

Sec. 23. The twenty-third judicial district shall be composed of the counties of Brazoria, Jackson, Fort Bend, Matagorda, Waller and Wharton and the district court shall be held therein as follows: In the county of Waller on the first Mondays in March and September and may continue in session three weeks. In the county of Fort Bend on the third Monday after the first Mondays in March and September and may continue in session four weeks. In the county of Wharton on the seventh Monday after the first Mondays in March and September and may continue in session three weeks. In the county of Jackson on the tenth Monday after the first Mondays in March and September and may continue in session two weeks. In the county of Matagorda on the thir-

teenth Monday after the first Mondays in March and September and may continue in session two weeks. In the county of Brazoria on the fifteenth Monday after the first Mondays in March and September and may continue in session until the business is disposed of.

Sec. 24. The twenty fourth judicial district shall be composed of the counties of DeWitt, Karnes, Victoria, Bee, Goliad, Refugio, Calhoun, and Aransas and the district courts shall be held therein as follows: In the county of DeWitt on the thirteenth Monday after the first Mondays in March and September and may continue in session until the business is disposed of. In the county of Victoria on the tenth Monday after the first Mondays in March and September and may continue in session three weeks. In the county of Calhoun on the ninth Monday after the first Mondays in March and September and may continue in session one week. In the county of Refugio on the first Mondays in March and September and may continue in session two weeks. In the county of Aransas on the second Monday after the first Mondays in March and September and may continue in session one week. In the county of Bee on the third Monday after the first Mondays in March and September and may continue in session two weeks. In the county of Karnes on the fifth Monday after the first Mondays in March and September and may continue in session two weeks. In the county of Goliad on the seventh Monday after the first Mondays in March and September and may continue in session two weeks.

Sec. 25. The twenty fifth judicial district shall be composed of the counties of Lavaca, Gonzales, Guadalupe, Wilson and Colorado and the district courts shall be held therein as follows: In the county of Lavaca on the first Mondays in February and August and may continue in session four weeks. In the county of Colorado on the fourth Monday after the first Mondays in February and August and may continue in session four weeks. In the county of Gonzales on the eighth Monday after the first Mondays in February and August and may continue in session four weeks, or until the business is disposed of. In the county of Guadalupe on the thirteenth Monday after the first Mondays in February and August and may continue in session four weeks. In the county of Wilson on the seventeenth Monday after the first Mondays in February and August and may continue in session two weeks.

Sec. 26. The twenty sixth judicial district shall be composed of the counties of Williamson and Travis and the district court shall be held therein as follows: In the county of Williamson on the second Mondays in May and November and may continue in session six weeks. In the county of Travis on the first Mondays in January and July and may continue in session until the business is disposed of.

Sec. 27. The twenty seventh judicial district shall be composed of the counties of Bell, Lampasas and Burnett and the district courts shall be held therein as follows: In the county of Burnett on the first Mondays in April and October in each year and may continue in session four weeks. In the county of Lampasas on the first Mondays in May and November in each year and may continue in session four weeks. In the county of Bell on the first Mondays in June and December in each year and may continue in session until the business is disposed of.

Sec. 28. The twenty eighth judicial district shall be composed of the counties of Webb, Encinal, Duval, Nueces, Zapata, Starr, Hidalgo and Cameron and the district courts therein shall be held as follows: In the county of Cameron on the first Mondays in February and September and

may continue in session four weeks. In the county of Hidalgo on the fourth Monday after the first Mondays in February and September and may continue in session two weeks. In the county of Starr on the sixth Monday after the first Mondays in February and September and may continue in session two weeks. In the county of Zapata on the eighth Monday after the first Mondays in February and September and may continue in session one week. In the county of Webb on the ninth Monday after the first Mondays in February and September and may continue in session five weeks. In the county of Duval on the fourteenth Monday after the first Mondays in February and September and may continue in session two weeks. In the county of Nueces on the sixteenth Monday after the first Mondays in February and September and may continue in session until the business is disposed of, not to exceed six weeks. The unorganized county of Encinal is hereby attached to the county of Webb for judicial purposes.

Sec. 29. The twenty-ninth judicial district shall be composed of the counties of Palo Pinto, Hood, Somervell, Erath, Hamilton and Coryell and the district court shall be held therein as follows: In Palo Pinto county on the first Mondays in March and September and may continue in session two weeks. In the county of Hood on the third Mondays in March and September and may continue in session two weeks. In the county of Somervell on the fourth Monday after the first Mondays in March and September and may continue in session one week. In the county of Erath on the fifth Monday after the first Mondays in March and September and may continue in session five weeks. In the county of Hamilton on the tenth Monday after the first Mondays in March and September and may continue in session three weeks. In the county of Coryell on the thirteenth Monday after the first Mondays in March and September and may continue in session until the business is disposed of.

Sec. 30. The thirtieth judicial district shall be composed of the counties of Jack, Clay, Wichita, Archer, Young, Throckmorton, Baylor, Wilbarger and the unorganized counties of Hardeman, Knox, Haskell, King, Lamb, Bailey, Dickens, Crosby, Lubbock, Hockley, Cochran, and Cottle and the district courts shall be held therein as follows: In the county of Jack on the second Mondays in January and July and may continue in session three weeks. In the county of Young on the third Monday after the second Mondays in January and July and may continue in session three weeks. In the county of Throckmorton on the sixth Monday after the second Mondays in January and July and may continue in session two weeks. In the county of Baylor on the eighth Monday after the second Mondays in January and July and may continue in session two weeks. In the county of Archer on the tenth Monday after the second Mondays in January and July and may continue in session two weeks. In the county of Clay on the twelfth Monday after the second Mondays in January and July and may continue in session four weeks. In the county of Wilbarger on the eighteenth Monday after the second Mondays in January and July and may continue in session two weeks. The county of Haskell be and the same is hereby attached for judicial purposes to the county of Throckmorton; the counties of King, Lamb, Bailey, Dickens, Crosby, Lubbock, Hockley, Cochran and Knox to the county of Baylor; and the counties of Hardeman and Cottle to the county of Wilbarger, and when the county of Knox shall be organized, the county of King shall be attached to it for judicial

purposes; and the county of Cottle to the county of Hardeman whenever the latter shall be organized.

Sec. 31. The thirty first judicial district shall be composed of the counties of Wheeler, Oldham, Donley and the unorganized counties of Greer, Collingsworth, Childress, Hall, Motley, Floyd, Briscoe, Swisher, Hale, Castro, Parmer, Deaf Smith, Randel, Armstrong, Gray, Carson, Potter, Hartley, Moore, Hutchins, Roberts, Hemphill, Lipscomb, Ochiltree, Hansford, Sherman and Dallam and the district courts shall be held therein as follows: In the county of Oldham on the first Mondays in April and October and may continue in session four weeks. In the county of Donley on the first Mondays in January and July and may continue in session four weeks. In the county of Wheeler on the eighth Monday after the first Mondays in April and October and may continue in session four weeks. The unorganized counties of Sherman, Moore, Potter, Castro, Parmer, Deaf Smith, Hartley and Dallam shall be and they are hereby attached to the county of Oldham for judicial purposes. The counties of Carson, Randall, Armstrong, Swisher, Hale, Floyd, Briscoe, Hall, Motley and Childress are attached to the county of Donley for judicial purposes; and the counties of Greer, Collingsworth, Gray, Hutchinson, Hansford, Ochiltree, Roberts, Hemphill and Lipscomb are attached to the county of Wheeler for judicial purposes.

Sec. 32. The thirty-second judicial district shall be composed of the counties of Stonewall, Kent, Garza, Lynn, Terry, Yoakum, Gaines, Dawson, Borden, Scurry, Fisher, Jones, Taylor, Nolan, Mitchell, Howard, Martin, Andrews, Tom Green, Runnels and Concho and the district courts shall be held therein as follows: In the county of Jones on the first Mondays in February and September and may continue in session two weeks. In the county of Taylor on the third Mondays in February and September and may continue in session three weeks. In the county of Runnels on the fifth Monday after the first Mondays in February and September and may continue in session two weeks. In the county of Concho on the seventh Monday after the first Mondays in February and September and may continue in session two weeks. In the county of Tom Green on the ninth Monday after the first Mondays in February and September and may continue in session four weeks. In the county of Howard on the thirteenth Monday after the first Mondays in February and September and may continue in session two weeks. In the county of Mitchell on the fifteenth Monday after the first Mondays in February and September and may continue in session five weeks. In the county of Nolan on the twentieth Monday after the first Mondays in February and September and may continue in session until the business is disposed of. The unorganized county of Stonewall is hereby attached for judicial purposes to the county of Jones; the county of Fisher to the county of Nolan; the counties of Kent, Garza, Lynn and Scurry to the county of Mitchell and the counties of Borden, Dawson, Perry, Yoakum, Gaines, Andrews and Martin to the county of Howard.

Sec. 33. The thirtythird judicial district shall be composed of the counties of Blanco, Gillespie, Llano, Mason, Kimble, Menard, San Saba and McCulloch and the district courts shall be held therein as follows: In the county of San Saba on the first Mondays in March and September, and may continue in session two weeks. In the county of McCulloch on the third Mondays in March and September, and may continue in session two weeks. In the county of Menard on the fourth Monday after the first Mondays in March and September and may continue in session



two weeks. In the county of Kimble on the sixth Monday after the first Mondays in March and September and may continue in session two weeks. In the county of Mason on the eighth Monday after the first Mondays in March and September and may continue in session two weeks. In the county of Gillespie on the tenth Monday after the first Mondays in March and September and may continue in session two weeks. In the county of Blanco on the twelfth Monday after the first Mondays in March and September and may continue in session two weeks. In the county of Llano on the fourteenth Monday after the first Mondays in March and September and may continue in session until the business is disposed of.

Sec. 34. The thirty fourth judicial district shall be composed of the counties of El Paso, Presidio, and Pecos and the district courts shall be held therein as follows: In the county of Pecos on the first Mondays in March and September and may continue in session two weeks. In the county of Presidio on the third Monday after the first Mondays in March and September and may continue in session four weeks. In the county of El Paso on the eighth Monday after the first Mondays in March and September and may continue in session until the business is disposed of.

Sec. 35. The thirty fifth judicial district shall be composed of the counties of Shackelford, Stephens, Callahan, Eastland, Coleman, Brown and Comanche and the district courts shall be held therein as follows: In the county of Comanche on the first Mondays in February and September and may continue in session three weeks. In the county of Brown on the third Monday after the first Mondays in February and September and may continue in session three weeks. In the county of Coleman on the sixth Monday after the first Mondays in February and September and may continue in session three weeks. In the county of Callahan on the ninth Monday after the first Mondays in February and September and may continue in session three weeks. In the county of Shackelford on the twelfth Monday after the first Mondays in February and September and may continue in session three weeks. In the county of Stephens on the fifteenth Monday after the first Mondays in February and September and may continue in session three weeks. In the county of Eastland on the first Mondays in January and July and may continue in session until the business is disposed of.

Sec. 36. The thirtysixth judicial district shall be composed of the counties of San Patricio, Live Oak, McMullen, La Salle, Dimmitt, Maverick, Zavalla, Frio and Atascosa, and the district courts shall be held therein as follows: In the county of San Patricio on the first Mondays in March and September and may continue in session one week. In the county of Live Oak on the second Mondays in March and September, and may continue in session two weeks. In the county of McMullen on the fourth Mondays in March and September and may continue in session two weeks. In the county of Atascosa on the fifth Monday after the first Mondays in March and September and may continue in session three weeks. In the county of Frio on the eighth Monday after the first Mondays in March and September and may continue in session two weeks: In the county of La Salle on the tenth Monday after the first Mondays in March and September and may continue in session one week. In the county of Dimmitt on the eleventh Monday after the first Mondays in March and September and may continue in session one week. In the county of Maverick on the twelfth Monday after the first Mondays in March and September and may continue in session until the bus-

iness is disposed of. The county of Zavalla is hereby attached to the county of Frio for judicial purposes.

Sec. 37. The thirty seventh judicial district shall be composed of the county of Bexar and the district court therein shall be begun and holden as follows: On the first Monday in March and may continue in session twelve weeks. On the first Monday in June and may continue in session four weeks. On the first Monday in September and may continue in session twelve weeks; and on the first Monday in December and may continue in session twelve weeks.

Sec. 38. The thirty eighth judicial district shall be composed of the counties of Comal, Kendall, Kerr, Bandera, Medina, Uvalde, Edwards, Kinney and Crockett and the district courts therein shall be held as follows: In the county of Kinney on the first Mondays in March and September and may continue in session three weeks. In the county of Uvalde on the second Mondays in March and September and may continue in session two weeks. In the county of Medina on the fourth Monday after the first Mondays in March and September and may continue in session two weeks. In the county of Bandera on the sixth Monday after the first Mondays in March and September and may continue in session two weeks. In the county of Kerr on the eighth Monday after the first Mondays in March and September and may continue in session two weeks. In the county of Kendall on the eleventh Monday after the first Mondays in March and September and may continue in session two weeks. In the county of Comal on the thirteenth Monday after the first Mondays in March and September and may continue in session until the business is disposed of. The unorganized county of Edwards is hereby attached for judicial purposes to the county of Kerr, and the county of Crockett to the county of Kinney.

Sec. 39. One district judge shall be elected in each of the districts created by this act, at the next general election in this State, to be held on the first Tuesday after the first Monday in November A. D. 1884, and the judges so elected shall hold their offices for the term of four years: Provided, that the provisions of this section shall not apply to the thirty-third and thirty-sixth judicial districts.

Sec. 40. A district attorney shall be elected in each of the following districts at the next general election, to-wit: First, second, third, fourth, fifth, seventh, eighth, ninth, thirteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, and thirty-eighth.

Sec. 41. Whenever any unorganized county shall organize, the district judge of the district including such county may designate the times for holding the district court therein, and give the necessary notice of such time, and shall thereafter hold the district court in such county at the times so fixed, until otherwise provided by law.

Sec. 42. All writs and process, civil and criminal, heretofore issued, or which may be issued up to the time this act takes effect, by or from the district courts in the several counties of this State, and made returnable to the former terms of said courts as said terms are now fixed by law, shall be returnable to the next ensuing terms of said district courts in each county, as they are prescribed by this act: and all such writs and process that may be issued by or from said courts at any time within five days next before the holding of the next ensuing terms of said

courts, as prescribed herein, are hereby made returnable to said terms respectively, and all such writs and process hereinbefore mentioned are hereby legalized and validated to all intents and purposes as if the same had been made returnable to the term of said courts as the terms thereof are herein prescribed.

Sec. 43. That this act take effect and be in force on and after the first Tuesday after the first Monday in November A. D. 1884; Provided, that the district courts in the several counties in this State shall be held by the district judges under and in accordance with the laws now in force, until the judges elected under this act shall qualify: and provided further that this act shall take effect and be in force on and after the first day of September A. D. 1884 for the purpose of ordering and holding the elections herein authorized and for all purposes necessary to a compliance with the requirements of the election laws of the State of Texas.

Sec. 44. That in case the term of court in any county as fixed by this act shall have partly elapsed at the time of the qualification of the district judge of the district to which such county belongs, then such judge shall proceed to hold said court for the remainder of said term.

Sec. 45. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved April 9, 1883.

Takes effect September 1, 1884.

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#### CHAPTER LXVIII.—An Act to amend Article 795, Chapter 17, of the Penal Code.

Section 1. Be it enacted by the Legislature of the State of Texas: That article 795, chapter 17, of the Penal Code be so amended as to read as follows:

"Article 795. If any executor, administrator or guardian having charge of any estate, real, personal or mixed, shall unlawfully, and with intent to defraud any creditor, heir, legatee, ward or distributee interested in such estate, convert the same or any part thereof to his own use, he shall be deemed guilty of the offense of swindling.

Approved April 10, 1883.

Takes effect ninety days after adjournment.

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#### CHAPTER LXIX.—An Act to amend Article 186 of the Penal Code.

Section 1. Be it enacted by the Legislature of the State of Texas: That article 186 of the Penal Code be amended so as hereafter to read as follows, to-wit:

"Article 186. Any merchant, grocer, or dealer in wares or merchandise, or trader in any lawful business whatsoever, or the agent or employee of any such persons, who shall sell or barter on Sunday, shall be fined not less than twenty, nor more than fifty dollars; provided

"this article shall not apply to markets or dealers in provisions as to sales of provisions made by them before nine o'clock a. m., nor the sale of burial or shrouding material; provided, the sale of newspapers, ice and milk at any hour in the day shall be permissible; provided further, that nothing in this title shall be construed to prevent the sending or receiving of telegraph messages.

Approved April 10, 1883.

Takes effect ninety days after adjournment.

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**CHAPTER LXX.**—An Act to further provide for the regulation of railroad and transportation lines in the State of Texas, and to provide for the creation of the office of, and appointment of a State Engineer and his secretary, and their salaries and duties; to prevent unjust discrimination and extortion in the rates charged for transportation of freight and passengers in this State, and to provide a mode of procedure in relation thereto.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Governor shall appoint, by and with the advice and consent of the Senate, an engineer, experienced in the construction and maintenance of railways, who shall be State Engineer, who shall hold his office for two years, or until his successor is qualified, but shall be subject to removal by the Governor at any time. In case of removal, the Governor may appoint a successor until the meeting of the next Legislature, when said appointment shall be submitted to the Senate for approval.

Sec. 2. The State Engineer shall receive an annual salary of three thousand dollars. In traveling upon the line of any railway in this State, in the discharge of his duties, he shall also be entitled to charge for the actual amount paid out for railway fare and traveling expenses, in no case to exceed four dollars per day in excess of railway fare paid: and should any railway company voluntarily provide said State engineer with free transportation over its line, he shall be authorized to accept the same in behalf of the State, and shall not charge the State the amount which would otherwise be paid for such transportation. He shall, in his report, state the amount paid by him for transportation on each railway line in the State, also what railway lines have provided him with free transportation.

Sec. 3. The office of the State Engineer shall be in the Capitol building in the City of Austin, in rooms to be designated by the Secretary of State. There shall be allowed the State engineer for office furniture, stationery, postage, and other office expenses one thousand dollars per annum. The State Engineer shall employ a secretary, who shall be a competent draftsman, and perform such duties as may be required by the State Engineer. The secretary of the State Engineer shall receive a salary of fifteen hundred dollars per annum. The salary of the State Engineer and his secretary shall be paid monthly from the State Treasury. All vouchers for traveling and office expenses of the State Engineer and his secretary shall be paid monthly from the State Treasury. All vouchers for traveling and office expenses of the State Engineer and his secretary shall be paid upon certified vouchers, approved by the Governor.

Sec. 4. Before entering upon the duties of his office, the State En-

gineer and his secretary each shall subscribe to the following oath, in addition to the usual oath of office: "And I do further swear, (or affirm) that I am not connected, officially or otherwise, with any railroad company or transportation line, either within or outside of this State, and that I am not a stockholder or in any manner interested in any railroad company or transportation line whatever, so help me God."

Sec. 5. The State Engineer shall perform such duties as are now, or may hereafter be prescribed by law, and shall twice in each year, and at such other times as he may deem it necessary, carefully inspect the railroads in this State, and keep himself informed of the condition of the same, and manner in which they are operated, with the special reference to the safety and proper accommodation of the public, which inspection shall include the condition of road bed, track and bridges; character and condition of cars, station houses, platforms and other facilities incident to transportation business. Should such inspection indicate a non-compliance with the law on the part of any railroad, such non-compliance shall be presented in proper and official form to the Attorney General, who shall proceed to investigate and enforce penalty for dereliction, according to existing statutes, or as hereinafter provided.

Sec. 6. The State Engineer shall, on the first day of December of each year, make a report to the Governor of all matters pertaining to his office, and especially report upon the inspection of all the railroads in the State, and he shall incorporate in said report any suggestions he may have to make in regard to changes in existing laws connected with the management and control of railroads in this State. He shall also, whenever required by the Governor, make a special report of the inspection authorized and required under this act of any railroad in this State. That the said Engineer shall prepare and transmit to the next Legislature a complete freight classification and schedule of reasonable maximum rates for freight transportation for each of the railroads operated in this State; and copies of the same shall be furnished to the members of the Nineteenth Legislature thirty days before the meeting of the said Legislature.

Sec. 7. Be it further enacted, that charges for transportation on each class or kind of freight moving in the same direction, shall be uniform, and any unjust discrimination in the rates or charges for the transportation of any freight made against any person or place, on any railroad operated in this State, is declared to be unlawful. If any railroad corporation shall wilfully charge, collect, or receive from any person or persons for the transportation of any freight upon its railroad, a higher or greater rate of toll or compensation than it shall charge, collect, or receive from any other person or persons, for the transportation of the like quantity of freight of the same class, being transported from the same point in the same direction, over equal distances of the same railroad, or if it shall charge, collect, or receive from any person or persons for the use and transportation of any railroad car or cars upon its railroad, a higher or greater sum than it shall charge, collect, or receive from any other person or persons for the use or transportation of a car or cars of the same class for a like purpose, from the same point in the same direction and an equal distance; or if any railroad company shall charge one person more for transporting freight of the same class, in equal or less quantities, over its road, for the same or a less distance, than it charges another for the same or a greater distance, all such discriminating rates, charges or collections,

whether made directly or by means of any rebate, or other shift or evasion, shall be considered and taken as prima facie evidence of extortion and unjust discrimination, which is hereby prohibited and declared unlawful, and any railroad company or companies, for such violation of law, shall forfeit and pay to the persons or persons injured thereby the sum of five hundred dollars, to be recovered before any court having jurisdiction of the amount, in any county through, or into which the freight may have been transported. Every railroad company or corporation doing business in this State, shall hereafter be required to keep posted in a conspicuous place, at all depots, a printed or written schedule of its freight charges from its principal office or place of business to all depots on its line or lines of road within this State. Such schedule shall specify the different classes or kinds of freight, with an enumeration of the articles belonging to each class, the charge for each class, per car load, and the charge for each class per hundred pounds in quantities less than car loads. It shall be unlawful for any railroad company to change such freight tariffs without giving five days notice to the public in the manner above required, and it shall be the duty of every railroad company in this State to furnish its station agents with the printed or written notices herein mentioned at least five days before any changes are to take effect. Any railroad company violating any of the provisions of this act shall, for every five days it neglects to furnish the notices herein required to any of its station agents, forfeit the sum of five hundred dollars to the county in which the depot is situated, to be recovered in any court having competent jurisdiction, said amount, when recovered, to be used for road and bridge purposes. It shall be the duty of every station agent of the railroads of this State upon being furnished with the printed or written notices mentioned in the foregoing, to post the same in some conspicuous place in his depot buildings, and keep them posted until the changes proposed take effect. Any station agent failing or refusing to post up said notices within two days after the same shall have been furnished him, or failing to keep the same posted, as herein required, shall be deemed guilty of a misdemeanor, and upon conviction of the same before any court having the proper jurisdiction, shall be fined not less than twenty-five dollars and not more than one hundred dollars. The road of the company shall include all the road in use by such company, whether owned or operated under control or lease; provided that nothing herein contained shall be construed to repeal Article 4257 of the Revised Civil Statutes, prescribing maximum rates, and prohibiting discriminations.

Sec. 8. Where railroads within this State receive goods for transportation into their warehouses or depots, they shall forward them in the order in which they are received: the first received to be the first forwarded, without giving the preference to one over another: and in case of failure to do so they shall be liable for all loss occurring while the goods remain, and for all damage occasioned or in any wise resulting from delay; provided, that the trip or voyage shall be considered as having commenced from the time of the signing of bill of lading, and as having ended upon the arrival of freight at point of destination, and written notices served upon the consignee that it is ready for delivery upon payment of freight and charges. It is further provided, that should the consignee of the goods fail to receive them promptly after such notice is served, the liability of the railroads thereafter shall be the same as that of warehousemen.

Sec. 9. The passenger fare upon all railroads in this State shall be three cents per mile, with an allowance of baggage to each passenger not to exceed one hundred pounds in weight; provided, however, that where the fare is paid to the conductor, the rate shall be four cents per mile, except from stations where no tickets are sold, and that the minimum charge in no case shall be less than twenty-five cents; and provided further, that when the passenger fare does not end in five or naught, the nearest sum so ending shall be the fare; provided, further, that in no case shall children under ten years of age be charged a higher rate of fare than two cents per mile; provided further, railroads shall be required to keep their ticket offices open half an hour prior to the departure of trains, and upon failure to do so they shall not charge more than three cents per mile.

Sec. 10. That direct and prompt remedies may be had, and penalties enforced in case of violation of any laws herein named, it is made the special duty of the Attorney General, whenever information is filed with him by the State Engineer, or any other person, that any railroad company in this State has violated any provisions of the laws of this State, providing for the transportation of passengers or freight, or is unjustly discriminating in its charges for transportation against any person or place in this State, or is guilty of extortion in its charges for transportation against any persons or place in this State, or is guilty of extortion in its charges for transportation of passengers and freight, or for improper condition of road bed, track, bridges, or other structures, cars, station-houses or platforms, to give ten days notice in writing to said corporation of said complaint, and after an investigation of the matter he shall proceed to determine whether the matters complained of are violations of the law, and shall give notice to said company of his decision respecting the same, and if any such violation of the law is continued, after the railroad company is so notified, or if the actual damage is not paid to the party aggrieved, within ten days after such notification, he shall cause proceedings to be instituted against said railroad company or companies, to recover the penalties provided by law; provided, that nothing herein contained shall be construed to prevent any citizen of this State from bringing suit in his own name against any railroad or transportation company for discrimination in freight or passenger charges; provided further, that the penalties prescribed by law for any overcharge shall not be recoverable unless the party aggrieved shall give notice thereof in writing, to the railroad company, or to the agent demanding or receiving the same, and said company shall fail within twenty days thereafter, to refund to such party aggrieved, the amount of such overcharge.

Sec. 11. The near approach of the close of the session, and the importance of a law regulating the management and control of railroads in this State, creates an imperative public necessity and emergency that the constitutional rule requiring bills to be read on three several days should be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved April 10, 1883.

Takes effect after passage.

CHAPTER LXXI.—An Act to amend Article 784, of Chapter 15, Title 17, of the Penal Code.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 784, of Chapter 15, Title 17, of the Penal Code, be so amended as hereafter to read as follows:

“Article 784. If any agent of any railroad, steamship, sailing vessel, or shipping company of any kind, shall receive for shipment any horses or cattle, unless such horses or cattle have been duly inspected according to law, he shall be fined not less than twenty-five nor more than one thousand dollars for each animal so unlawfully shipped.”

Sec. 2. The great necessity for this law, and the near approach of the end of this session of the Legislature, creates an imperative public necessity, and emergency the constitutional rule that bills be read on three several days in each house be suspended, and the same is therefore suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved April 10, 1883.

Takes effect ninety days after adjournment.

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CHAPTER LXXII.—An Act to provide for the permanent endowment, in land or its proceeds, of the University of Texas and its branches, including the branch for the instruction of colored youths; and, also, to provide for an equal endowment for the benefit of the permanent common free schools of this State.

Section 1. Be it enacted by the Legislature of the State of Texas, That after the payment of the amounts due from the State to the common free school fund, out of the proceeds of the sales heretofore made, or hereafter to be made, of that portion of the public lands set aside for the payment of the public debt, by an act approved July 14th, 1879, and an act amendatory thereof, approved March 11th, 1881, and the payment directed to be made to the common school and university funds by an act approved Feb'y 23d, 1883, the remainder of said land, not to exceed two million of acres, contained in the counties and territory specially mentioned in said acts, or the proceeds thereof, set aside by said acts for the payment of the public debt, heretofore or hereafter to be received by the State, shall one half thereof constitute a permanent endowment fund for the University of Texas and its branches, including the branch for the instruction of colored youths, and one half thereof shall constitute a permanent endowment fund for the common free schools of this State.

Sec. 2. The importance of the subject embraced in this act, and the limited time allowed for the consideration of the great accumulation of bills now pending, creates an imperative public emergency for the immediate passage of this act, and the public necessity for the suspension of the rule requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage; and it is so enacted.

Approved April 10, 1883.

Takes effect after passage.



**CHAPTER LXXIII.—An Act to fix the fees of the Department of State, and require the collection of the same.**

Section 1. Be it enacted by the Legislature of the State of Texas, That the Department of State shall charge and collect, for the use and benefit of the State, for services rendered in said Department, the following fees, to-wit: For each and every charter, amendment or supplement thereto of a private corporation created for the purpose of operating or constructing a railroad, magnetic telegraph line, or street railway, or express company, authorized or required by law to be recorded in said Department, a fee of one hundred dollars, to be paid when said charter is filed: provided, that if the authorized capital stock of said corporation shall exceed one hundred thousand dollars, it shall be required to pay an additional fee of twenty five dollars for each one hundred thousand dollars authorized capital stock, or fractional part thereof, after the first; for each and every charter, amendment, or supplement thereto, of a private corporation intended for the support of public worship, any benevolent, charitable, educational, missionary, literary or scientific undertaking, the maintenance of a library, the promotion of painting, music, or other fine arts, the encouragement of agriculture and horticulture, the maintenance of public parks, and facilities for skating and other innocent sports, and the maintenance of a public cemetery, a fee of ten dollars, to be paid when the charter is filed; for each and every charter, amendment, or supplement thereto, of a private corporation, created for any other purpose, intended for mutual profit or benefit, a fee of twenty five dollars shall be paid when the said charter is filed for record: provided, that if the authorized capital stock of said corporation shall exceed ten thousand dollars, it shall be required to pay an additional fee of five dollars for each additional ten thousand dollars of its authorized capital stock, or fractional part thereof, after the first: for each commission to every officer, elected or appointed in this State, a fee of one dollar; and each and every officer elected or appointed in this State is required to apply [for] and receive his commission: provided, that the Secretary of State shall not be required to forward copies of laws to, nor attest the authority of, any officer in this State who fails and refuses to take out his commission as required in this act; for every official certificate, a fee of one dollar; for each warrant or requisition, a fee of two dollars; for each remission of fine or forfeiture, one dollar; for copies of any paper, document or record in his office, for each one hundred words fifteen cents.

Sec. 2. All fees mentioned in this act shall be paid in advance into the office of Secretary of State, and shall be by him paid into the State Treasury monthly.

Sec. 3. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Sec. 4. Whereas a daily loss accrues to the State for the want of a better fee bill in the Department of State, an imperative public necessity and an emergency exists for the immediate passage of this act, and it is enacted that this act take effect and be in force from and after its passage.

Approved April 10, 1883.

Takes effect ninety days after adjournment.

**CHAPTER LXXIV.—An Act to establish uniform weights per bushel of wheat, corn and other products of the State.**

Section 1. Be it enacted by the Legislature of the State of Texas: That the following shall be the legal number of pounds per bushel: Wheat sixty pounds; corn, shelled fifty-six pounds, corn in the ear, shucked, seventy pounds; unshucked, in ear seventy-two pounds; oats, thirty-two pounds; barley, forty-eight pounds; rye, fifty-six pounds; buck wheat forty-two pounds, white beans sixty pounds; Irish potatoes sixty pounds; sweet potatoes, fifty-five pounds; onions, fifty-seven pounds; turnips fifty-five pounds; dried apples twenty-eight pounds; dried peaches twenty-eight pounds; bran, twenty pounds; Hungarian grass seed, forty-eight pounds; hemp seed forty-four pounds; flax seed fifty-six pounds; stone coal, eighty pounds; charcoal, twenty-two pounds; salt, fifty pounds; clover seed, sixty pounds, timothy seed forty-five pounds; cotton seed thirty-two pounds; millett seed, fifty pounds.

Sec. 2. All laws coming in conflict with this act, be and the same are hereby repealed.

Approved April 10, 1883.

Takes effect ninety days after adjournment.

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**CHAPTER LXXV.—An Act to prevent the adulteration of food, wines, beers, fermented or distilled liquors, and drugs.**

Section 1. Be it enacted by the Legislature of the State of Texas, That no person shall within this State manufacture, offer for sale, or sell any article of food, wines, beers, fermented or distilled liquors or drugs, which is by him known to be adulterated, within the meaning of this act. Any person violating this provision shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars.

Sec. 2. The term food, as used in this act, shall include every article used for food or drink by man. The term drug, as used in this act, shall include all medicines for internal and external use.

Sec. 3. An article shall be deemed adulterated within the meaning of this act: (a) In the case of drugs—

1. If, when sold, under or by a name recognized in the United States Pharmacopœia, it differs from the standard of strength, quality or purity laid down therein.

2. If, when sold under or by a name not recognized in the United States Pharmacopœia, but which is found in some other Pharmacopœia, or other standard work on materia medica, it differs materially from the standard of strength, quality or purity laid down in such work.

3. If its strength or purity fall below the professed standard under which it is sold.

(b) In the case of food or drinks:—

1. If any substance or substances has or have been mixed with it so as to reduce or lower, or injuriously effect its quality or strength.

2. If any inferior or cheaper substance or substances have been substituted, wholly or in part, for the article.

3. If any valuable constituent of the article has been wholly or in part abstracted.

4. If it be an imitation of, or be sold under the name of another article.

5. If it consists, wholly or in part, of a diseased, or decomposed, or putrid, or rotten animal, or vegetable substance, whether manufactured or not; or in the case of milk, if it is the produce of a diseased animal.

6. If it be colored, or coated, or polished, or powdered, whereby damage is concealed, or it is made to appear better than it really is, or of greater value.

7. If it contains any added poisonous ingredient, or any ingredient which may render such article injurious to the health of a person consuming it; provided, that the State Health Officer may, with the approval of the Governor, from time to time, declare certain articles or preparations to be exempt from the provisions of this act; and provided further, that the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles of food; provided, that the same are not injurious to health, and that the articles are distinctly labeled as a mixture, stating the components of the mixture.

Sec. 4. It shall be the duty of the State Health Officer to prepare and publish from time to time, lists of the articles, mixtures, or compounds declared to be exempt from the provisions of this act, in accordance with the preceding section. The State Health Officer shall also, from time to time, fix the limits of variability permissible in any article of food, or drug, or compound, the standard of which is not established by any national Pharmacopœia.

Sec. 5. The State Health Officer shall take cognizance of the interests of the public health, as it relates to the sale of food and drugs, and the adulterations of the same, and make all necessary investigations and inquiries relating thereto. He shall also have the supervision of the appointment of public analysts and chemists, and upon his recommendation, whenever he shall deem any such officers incompetent, the appointment of any and every such officer shall be revoked, and be held to be void and of no effect. Within thirty days after the passage of this act the State Health Officer shall adopt such measures as may seem necessary to facilitate the enforcement of this act, and prepare rules and regulations with regard to the proper method of collecting and examining articles of food or drugs, and for the appointment of the necessary inspectors and analysts, and the said Health Officer shall be authorized to expend an amount not exceeding two thousand dollars, for the purpose of carrying out the provisions of this act; and the sum of two thousand dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the purpose in this section provided.

Sec. 6. Every person selling, or offering, or exposing any article of food or drug for sale, or delivering any article to purchasers, shall be required to serve or supply any public analyst or other agent of the State, or local health officer, appointed under this act, who shall apply to him for that purpose, and on tendering the value of the same, with a sample sufficient for the purpose of analysis of any article which is included in this act, and which is in the possession of the person selling, under a penalty not exceeding fifty dollars for a first offense, and one hundred dollars for each subsequent offense.

Sec. 7. Any violations of the provisions of this act shall be treated and punished as a misdemeanor; and whoever shall impede, obstruct, hinder, or otherwise prevent any analyst, inspector or prosecuting officer in the performance of his duty, shall be guilty of a misdemeanor, and shall be fined in any sum not less than fifty dollars, nor more than five hundred dollars.

Sec. 8. Any acts, or parts of acts inconsistent with the provisions of this act, are hereby repealed.

Sec. 9. All the regulations and declarations of the State Health Officer, made under this act, from time to time and promulgated, shall be printed for general distribution.

Sec. 10. The near approach of the end of the present session of the Legislature, rendering it improbable that this bill can pass through the regular course of legislation, creates an imperative necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended.

Approved April 10, 1883.

Takes effect ninety days after adjournment.

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CHAPTER LXXVI.—An Act to amend Article 1059, Chapter 3, Title 15, of the Code of Criminal Procedure of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That article 1059 of the Code of Criminal Procedure of this State shall hereafter read as follows:

Article 1059. It shall be the duty of the Comptroller, upon the receipt of such claim, and said certified copy of the minutes of said courts, to closely and carefully examine the same, and, if correct to draw his warrant on the State Treasurer for the amount due, and in favor of the officer entitled to the same; provided, that, if the appropriation for paying such accounts is exhausted, the Comptroller shall file the same away, if correct, and issue a certificate in the name of the officer entitled to the same, stating therein the amount of the claim and character of the services performed. And all such claims or accounts not transmitted to or placed on file in the office of Comptroller of Public Accounts, within twelve months from the date of the final disposition of the case in which the services were rendered, shall be forever barred; provided further, that the owners of the claims or accounts that have been barred by the provisions of this article, requiring the same to be transmitted to or placed on file in the office of the Comptroller of Public Accounts, in six months from the date of the final disposition of the case in which the services were rendered, shall have six months from and after the time this act shall take effect to present said claims; and all claims or accounts so presented shall be taken and considered by the Comptroller as claims presented within the time allowed by law.

Approved April 11, 1893.

Takes effect ninety days after adjournment.

CHAPTER LXXVII.—An Act to establish a county brand for the several counties in this State, and to provide for the advertising of all estrays, branded with the county brand, in the counties to which the county brand may belong.

Section 1. Be it enacted by the Legislature of the State of Texas: That the several counties in this State shall have a brand for horses and cattle, said brand to be known and designated as the "County Brand."

Sec. 2. The county brand of each county in this State shall be as follows:

Anderson .....	A. A.	Colorado .....	C. N.
Andrews .....	A. N.	Comal .....	C. O.
Angelina .....	A. L.	Comanche .....	C. J.
Aransas .....	A. R.	Concho .....	C. V.
Archer .....	A. H.	Cooke .....	C. U.
Armstrong .....	A. M.	Coryell .....	C. X.
Atascosa .....	A. T.	Cottle .....	C. 2.
Austin .....	A. U.	Crockett .....	C. 3.
Bandera .....	B. A.	Crosby .....	C. 4.
Bastrop .....	B. S.	Dallas .....	D. A.
Bailey .....	B. I.	Dallam .....	D. L.
Baylor .....	B. R.	Dawson .....	D. N.
Bee .....	B. E.	Deaf Smith .....	D. S.
Bell .....	B. L.	Delta .....	D. T.
Bexar .....	B. X.	Denton .....	D. O.
Blanco .....	B. N.	DeWitt .....	D. E.
Borden .....	B. D.	Dickens .....	D. I.
Bosque .....	B.	Dimmitt .....	D. M.
Bowie .....	B. O.	Donley .....	D. N.
Brazoria .....	B. B.	Duval .....	D. D.
Brazos .....	B. Z.	Eastland .....	E. A.
Briscoe .....	B. H.	Edwards .....	E. D.
Brown .....	B. W.	Ellis .....	E. L.
Burleson .....	B. U.	El Paso .....	E. P.
Burnet .....	B. T.	Encinal .....	E. N.
Caldwell .....	C. A.	Erath .....	E. R.
Calhoun .....	C. H.	Falls .....	F. A.
Callahan .....	C. L.	Fannin .....	F. N.
Cameron .....	C. M.	Fayette .....	F. E.
Camp .....	C. P.	Fisher .....	F. I.
Carson .....	C. R.	Floyd .....	F. L.
Cass .....	C. S.	Fort Bend .....	F. B.
Castro .....	C. T.	Franklin .....	F. K.
Chambers .....	C. B.	Freestone .....	F. R.
Cherokee .....	C. K.	Frio .....	F. O.
Childress .....	C. D.	Galveston .....	G. A.
Clay .....	C. Y.	Gaines .....	G. I.
Cochran .....	C. C.	Garza .....	G. R.
Coleman .....	C. E.	Gillespie .....	G. L.
Collins .....	C. I.	Goliad .....	G. D.
Collingsworth .....	C. W.	Gonzales .....	G. O.

Gray .....	G. Y.	Llano .....	L.
Grayson .....	G. N.	Lubbock .....	L. K.
Greer .....	G.	Lynn .....	L. N.
Gregg .....	G. G.	Madison .....	M. 1.
Grimes .....	G. M.	Marion .....	M. 2.
Guadalupe .....	G. E.	Martin .....	M. 4.
Hale .....	H.	Mason .....	M. N.
Hall .....	H. A.	Matagorda .....	M. R.
Hamilton .....	H. I.	Maverick .....	M. K.
Hansford .....	H. F.	McCulloch .....	M. C.
Hardeman .....	H. N.	McLennan .....	M. L.
Hardin .....	H. D.	McMullen .....	M.
Harris .....	H. S.	Medina .....	M. A.
Harrison .....	H. X.	Menard .....	M. D.
Hartley .....	H. T.	Milam .....	M. I.
Haskell .....	H. 6.	Mitchell .....	M. H.
Hays .....	H. Y.	Montague .....	M. E.
Hemphill .....	H. M.	Montgomery .....	M. M.
Henderson .....	H. E.	Moore .....	M. O.
Hidalgo .....	H. G.	Morris .....	M. S.
Hill .....	H. L.	Motley .....	M. T.
Hockley .....	H. K.	Nacogdoches .....	N. S.
Hood .....	H. O.	Navarro .....	N. A.
Hopkins .....	H. P.	Newton .....	N.
Howard .....	H. R.	Nolan .....	N. O.
Houston .....	H. 4.	Nueces .....	N. E.
Hunt .....	H. U.	Ochiltree .....	O. H.
Hutchinson .....	H. H.	Oldham .....	O. O.
Jack .....	J.	Orange .....	O.
Jackson .....	J. A.	Palo Pinto .....	P. P.
Jasper .....	J. P.	Panola .....	P. A.
Jefferson .....	J. E.	Parmer .....	P. R.
Johnson .....	J. H.	Parker .....	P. K.
Jones .....	J. O.	Pecos .....	P.
Karnes .....	K.	Polk .....	P. K.
Kaufman .....	K. A.	Potter .....	P. O.
Kendall .....	K. E.	Presidio .....	P. R.
Kent .....	K. T.	Raines .....	R.
Kerr .....	K. R.	Randall .....	R. A.
Kimble .....	K. I.	Red River .....	R. R.
King .....	K. N.	Refugio .....	R. E.
Kinney .....	K. O.	Roberts .....	R. S.
Knox .....	K. X.	Robertson .....	R. O.
Lamar .....	L. A.	Rockwall .....	R. L.
Lamb .....	L. M.	Runnels .....	R. N.
Lampasas .....	L. P.	Rusk .....	R. K.
La Salle .....	L. S.	Sabine .....	S. B.
Lavaca .....	L. C.	San Augustine .....	S. A.
Lee .....	L. E.	San Jacinto .....	S. J.
Leon .....	L. 4.	San Patricio .....	S. P.
Liberty .....	L. I.	San Saba .....	S. S.
Limestone .....	L. T.	Scurry .....	S.
Lipscomb .....	L. B.	Shackelford .....	S. D.
Live Oak .....	L. O.	Shelby .....	S. H.

Sherman .....	S. N.	Van Zandt .....	V. V.
Smith .....	S. T.	Victoria .....	V. I.
Somervell .....	S. O.	Walker .....	W. K.
Starr .....	S. R.	Waller .....	W. W.
Stephens .....	S. E.	Washington .....	W. N.
Stonewall .....	S. L.	Webb .....	W. E.
Swisher .....	S. I.	Wharton .....	W. T.
Tarrant .....	T. A.	Wheeler .....	W. H.
Taylor .....	T. T.	Wichita .....	W. A.
Terry .....	T. E.	Wilbarger .....	W. B.
Throckmorton .....	T. H.	Williamson .....	W. I.
Titus .....	T. I.	Wilson .....	W. L.
Tom Green .....	T. G.	Wise .....	W. S.
Travis .....	T. S.	Wood .....	W. O.
Trinity .....	T. R.	Yoakum .....	Y. Y.
Tyler .....	T. L.	Young .....	Y. O.
Upshur .....	U. P.	Zapata .....	X. X.
Uvalde .....	U. U.	Zavala .....	X. X.

Sec. 3. The owners of all horses and cattle, in addition to their private brand, may place said county brand on all horses and cattle owned by them, and shall be placed upon the neck of all animals so branded.

Sec. 4. Whenever any horses or cattle branded with the county brand are removed to another county, the owners of such stock may counter-brand with said county brand, and a bar under said county brand shall be used and known as the "County brand," and when so counter-branded, the brand of the county in which said stock may be newly located, may be placed on said stock.

Sec. 5. Whenever any person shall stray any animal on which any county brand may be found, it shall be the duty of the county clerk of the county in which said stray may be, to immediately send a notice, containing a full description of said animal, together with the marks and brands, to the county clerk of the county to which the county brand may belong, and it shall be the duty of the county clerk of said county brand to record said notice in a book kept for that purpose, and post the same on the court house door; and it shall further be his duty to ascertain from his record of brands, to whom said animal may belong, and to notify said owner by letter otherwise, and for such services he shall be entitled to a fee of one dollar from said owner, and the county clerk furnishing the notice shall be entitled to a fee of one dollar from said owner.

Sec. 6. Any county clerk who shall fail to send a notice as required in section 5, of this act, the county clerk so failing shall become liable to the original owner of said stray in an amount equal to the value of said stray.

Sec. 7. It shall be the duty of the Secretary of State to furnish a printed list of the county brands, to the county clerks of this State, who shall securely post the same in their office.

Sec. 8. Whereas the near approach to the end of the session of the Legislature, and we now have no laws by which notice can be given to the owners of stray stock in the county of their residence, therefore an emergency exists that requires the constitutional rule requiring bills to be read on three several days be suspended.

Approved April 11, 1883.

Takes effect ninety days after adjournment.

CHAPTER LXXVIII.—An Act to amend Article 426 of the Penal Code, as amended March 15th 1881.

Section 1. Be it enacted by the Legislature of the State of Texas, That article 426 be so amended as to read hereafter as follows:

Article 426. It shall hereafter be unlawful for any person to kill, ensnare or trap, or in any way destroy any wild deer in the period of time embraced between the 20th day of January and the first day of August in each year; and any violation of this provision shall be considered a misdemeanor, and upon conviction before any court of competent jurisdiction shall be fined in any sum of not less than twenty-five dollars, nor more than fifty dollars together with the costs of suit, which fine shall go to the common school fund, and upon conviction of said offense, as well as those provided against in articles 424 and 425 of this chapter, the person so offending and convicted shall stand committed to jail until such fine and costs are paid; and any butcher, huckster, marketer, carrier or express agent, or any person found in possession of fresh killed venison one day before the above specified open season begins, or ten days after the open season is closed, shall be deemed equally guilty of the violations of the provisions of this article, and liable to the same proceedings and penalties herein provided, or provided in articles 424 and 425.

Whereas, the laws now in force are inadequate for the protection of game in this State, therefore a public necessity exists, and this law shall take effect and be in force from and after its passage.

Approved April 11, 1883.

Takes effect after passage.

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CHAPTER LXXIX.—An Act to amend Chapter XCIII of the Acts of 1881 entitled An Act to amend section 46 of an act to encourage stock-raising and to protect stockraisers approved April 22nd 1879, and amended April 4th 1881.

Section 1. Be it enacted by the Legislature of the State of Texas, That section 46 of the above recited act shall hereafter read as follows.

Sec. 46. That the counties of Anderson, Austin, Angelina, Bowie, Brazos, Burleson, Bastrop, Camp, Cass, Chambers, Cherokee, Collin, Colorado, Cooke, Dallas, Delta, Denton, Ellis, Fannin, Franklin, Free-stone, Falls, Galveston, Goliad, Grayson, Gregg, Grimes, Hardin, Harrison, Henderson, Hill, Hunt, Jackson, Jasper, Jefferson, Johnson, Kaufman, Lamar, Lee, Leon, Liberty, Madison, Marion, Montgomery, Morris, Nacogdoches, Newton, Orange, Panola, Parker, Polk, Rains, Red River, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Tarrant, Titus, Trinity, Tyler, Upshur, Van Zandt, Walker, Washington, Wise, Wood, Calhoun and Victoria, Wheeler, Oldham, Donley and the unorganized counties attached to Wheeler, Oldham and Donley counties, Hidalgo and Starr are hereby exempted from the operations of this act and the provisions of the same shall in no wise relate or apply to the aforesaid counties—provided that in those counties



bordering on the lines of the State except those bordering on Red River whether organized or unorganized the Governor shall appoint an inspector whose duty it shall be to inspect under the provisions of this act: all stock about to be driven or shipped out of the State or in any other county exempt from the operations of this act where there is a depot or place for the shipment of cattle provided that such cattle shall not be subject to inspection on board of any railroad unless the same have been placed on board of such train for the purpose of evading the provisions of this act—and provided further that the counties of Limestone, McLennan, Bell, Calhoun, Navarro, Hood, Houston, Somerville, Bosque, Austin, Jackson, and Victoria shall be exempt from all laws regulating inspection of hides and provided further that the Governor is hereby authorized and required to appoint one inspector of hides and animals for Harris county who shall hold his office until the next general election and until his successor shall be elected and qualified.

Approved April 12, 1883.

Takes effect ninety days after adjournment.

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**CHAPTER LXXX.—An Act to amend an Act to adopt and establish the Revised Civil Statutes of the State of Texas by adding thereto Article 4420a.**

Section 1. Be it enacted by the Legislature of the State of Texas, That article 4420a be added to the Revised Civil Statutes as follows:

Article 4420a. Whenever it is necessary to drain the water from any public road, the overseer shall cut a ditch for that purpose, having due regard to the natural water flow, and with as little injury as possible to the adjacent land owner; provided, that in such cases the commissioners' court shall cause the damages to such premises to be assessed and paid out of the general revenues of the county, and in case of disagreement between the commissioners' court and such owner, the same may be settled by suit as in other cases.

Sec. 2. Whereas there is no law in force conferring on overseers the authority to drain the water from the public roads, and this session of the Legislature is near its close, there is an emergency for the immediate passage of this act and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, which rule is suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved April 12, 1883.

Takes effect after passage.

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**CHAPTER LXXXI.—An Act to amend Article 722, Chapter 8, Title 17 of the Penal Code of the State of Texas.**

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 722, Chapter 8, Title 17 of the Penal Code of said State be and is hereby amended so as to read as follows.

Article 722. If any person by assault or violence or by putting in fear of life or bodily injury, shall fraudulently take from the person or possession of another any property with intent to appropriate the same to his own use, he shall be punished by confinement in the penitentiary for life or for a term not less than five years; and when the offense is committed by two or more persons acting together, and a fire arm or other deadly weapon is used or exhibited by either of them in the commission of the offense the person or persons so using or exhibiting the fire arm or other deadly weapon, shall be punished by imprisonment in the penitentiary for life or for a term not less than five years.

Approved April 12, 1883.

Takes effect ninety days after adjournment.

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CHAPTER LXXXII.—An Act to amend Chapter 4 Title 12 of the Penal Code by adding thereto Articles 403a, 403b, and 403c.

Section 1. Be it enacted by the Legislature of the State of Texas, That Chapter 2 Title 8 of the Penal Code be amended by adding thereto the following articles to-wit:

Article 403a. Any person detained at any quarantine station, who shall willfully absent himself without leave of the officer having charge thereof, shall be deemed guilty of a misdemeanor, and on conviction thereof by any court of competent jurisdiction, shall be punished by a fine of not less than ten dollars nor more than one thousand dollars.

Article 403b. Any health officer, guard or other employe who shall knowingly and wilfully disobey or in any manner knowingly neglect or fail to perform any duty imposed upon him by the provisions of quarantine laws, rules and regulations of this State or who shall disobey knowingly an order emanating from superior authority shall be fined upon conviction by a court of competent jurisdiction in a sum not exceeding one thousand dollars; provided, that in the meaning of this article the Governor and State Health Officer shall alone be deemed superior authority.

Article 403c. Any person coming from any port or district infected with yellow fever, or any other infectious or contagious disease, who shall knowingly evade any guard or pass through any cordon of quarantine duly established, shall be deemed guilty of a misdemeanor, and upon conviction by any court of competent jurisdiction be punished by fine not exceeding one thousand dollars.

Sec. 2. There being no provision of the Penal Code providing adequate punishment for violations of the quarantine laws, rules or regulations, therefore an imperative public necessity and an emergency exist for the suspension of the constitutional rule requiring bills to be read on three several days, and that this act should take effect from and after its passage, and it is so enacted.

Approved April 12, 1883.

Takes effect ninety days after adjournment.

**CHAPTER LXXXIII.—An Act to authorize the Commissioner of the General Land Office to issue patents now suspended for want of reports of County Clerks.**

Section 1. Be it enacted by the Legislature of the State of Texas: That the Commissioner of the General Land Office is hereby authorized and required to issue patents to lands that have heretofore been surveyed and returned to the General Land Office and have been suspended because the clerks of the county courts have failed to make reports as required by law, when said Commissioner is satisfied from evidence in his office that such patents should issue.

Sec. 2. Whereas the archives of some counties in this State have been lost or destroyed, and by reason of such loss or destruction, no report can be made by the clerks of said courts as required by law, and whereas the Commissioner of the General Land Office has suspended the issuance of patents for want of such reports, therefore an emergency and an imperative public necessity exists, that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved April 12, 1883.

Takes effect after passage.

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**CHAPTER LXXXIV.—An Act to amend section 7 of an act entitled "An Act to give effect to section 2 article 9 of the Constitution regulating the manner of removing and locating county seats and to provide for the location of county seats in organized counties, where no county seat has been created by existing law," approved April 10th 1879.**

Section 1. Be it enacted by the Legislature of the State of Texas: That section 7 of an act entitled "An Act to give effect to section 2 article 9 of the Constitution regulating the manner of removing and locating county seats, and to provide for the location of county seats in organized counties where no county seat has been created by existing law" approved April 10th 1879, be so amended so as to read as follows:

Section 7. That in the organization of any county or counties now existing or hereafter to be created by the Legislature, it shall be the duty of the county judge holding the election in such new county for county officers thereof, to order an election for the location of a county seat therein, which shall be conducted in the same manner regulating the election of the officers of such new county, and the place receiving a majority of all the votes cast by the electors voting on the location of such county seat, shall thereafter be the county seat of such county, subject to be removed as other county seats: provided, that when any county has been organized and no county seat has been located, the county judge of such county shall order an election for the location of a county seat.

Approved April 12, 1883.

Takes effect ninety days after adjournment.

**CHAPTER LXXXV.—An Act to amend Article 1056, Chapter 2 Title 15 of the Code of Criminal Procedure.**

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 1056, Chapter 2, Title 15 of the Code of Criminal Procedure, be amended so as to read as follows:

Article 1056. The clerk of the district court shall receive for each felony case tried in such court by jury, whether the defendant be convicted or acquitted, the sum of ten dollars: for each transcript on appeal ten cents for each one hundred words: for each felony case finally disposed of without trial five dollars: provided, that in felony cases where the fees for the work done by the clerk in any case estimated according to the schedule of fees provided in article 1093 of the Code of Criminal Procedure, shall exceed the amount herein allowed he shall receive one-half the excess to be paid by the State; provided further, that when a felony case is removed from a court by change of venue, the clerk thereof shall receive from the State one half of his fees estimated as aforesaid, for work done in the case before such removal: but in all such cases the clerk shall attach to his account, to form a part thereof, an exhibit setting forth each item charged supported by his affidavit that the same is correct: provided further, that when there are two or more defendants in the same indictment, the entire costs up to the time of trial, shall be distributed among them equally, and in ascertaining the excess only a pro rata share shall be charged against each defendant.

Sec. 2. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Sec. 3. Whereas the district clerks in this State are now in many instances receiving compensation in felony cases wholly inadequate for the services performed therefore an emergency exists that this act take effect from its passage, and it is so enacted.

Approved April 12, 1883.

Takes effect after passage.

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**CHAPTER LXXXVI.—An Act to amend sections one, two and nine of an act entitled An Act to amend an act entitled "An Act creating the office of Public Weigher, and regulating the appointment, and defining the duties and liabilities thereof," approved April 19th, 1879.**

Section 1. Be it enacted by the Legislature of the State of Texas: That sections one, two and nine of the above named act be and the same are hereby so amended that they shall hereafter read as follows:

Section 1. That the Governor is hereby authorized and required to appoint five competent persons as Public Weighers in every city which receives annually, over one hundred thousand bales of cotton on sale, or for shipment. In all cities or towns or railroad stations, which receive annually less than one hundred thousand bales of cotton, the county commissioners' courts of the counties in which said cities and towns or railroad stations are situated, should the commissioners' court deem the same

necessary to protect the sellers; may order an election, at which all the qualified voters of the county may vote for one or more Public Weighers, provided, that the county commissioners court may provide by appointment, for cotton weighers, to hold office until the next general election, and until their successors are qualified, provided that if any election is held under the provisions of this act before the next general election, the terms of office of those so elected, shall expire at the next general election, or so soon thereafter as their successors are elected and qualified; provided that in towns, and at railroad stations outside of county seats, the county commissioners' court may appoint one or more Public Weighers; provided, nothing herein contained shall be construed so as to prevent any other person from weighing cotton, wool or hides when requested so to do by the owner or owners thereof. All Public Weighers shall hold their offices for two years, and until their successors are appointed or elected as the case may be and qualified, subject to removal for misconduct or incompetency in office; provided, that no person shall be appointed a public weigher who is in any wise interested in the purchase or sale of cotton, wool, sugar or hides, received to be weighed, either as principal, agent, factor, commission merchant or employee.

Sec. 2. Section two of said act shall hereafter read as follows:

Section 2. Every person so appointed before entering upon the duties of his office shall take and subscribe an oath faithfully and impartially to administer the duties of his office, he shall also execute a bond with good and sufficient sureties in the sum of ten thousand dollars payable to the county judge of the county in which the appointment is made, and his successors in office, conditioned for the faithful performance of his official duties; provided that in cities or towns receiving for sale or shipment less than twenty-five thousand bales of cotton or sacks of wool, the bond of Public Weighers shall be two thousand dollars.

Sec. 3. Section nine of said act shall hereafter read as follows:

Section 9. Any Public Weigher who shall violate any of the provisions of this act, or fail to comply with any of such provisions, shall be liable at the suit of any person injured, upon his bond for damages that may have accrued to such person by such violation or failure, and may also be removed from office by the commissioners' court upon satisfactory evidence being furnished of his misconduct or incompetency; provided, that such Public Weigher shall have five days notice to appear before said court and offer testimony in his behalf.

Approved April 12, 1883.

Takes effect ninety days after adjournment.

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CHAPTER LXXXVII.—An Act to be entitled An Act to repeal so much of an Act entitled "An Act to diminish the civil and criminal jurisdiction of the county courts of Matagorda, Camp, Houston, Kerr, Mason, San Patricio, Live Oak, Donley, Young, Comal, Wilson and Atascosa passed at the present session of the Eighteenth Legislature as relates to the county of Houston.

Section 1. Be it enacted by the Legislature of the State of Texas: That so much of an Act entitled "An Act to diminish the civil and criminal jurisdiction of the county courts of Matagorda, Camp, Houston, Kerr,

Mason, San Patricio, Live Oak, Donley, Young, Comal, Wilson and Atascosa, passed at the present session of the Eighteenth Legislature as relates to the county of Houston, be and the same is hereby in all things repealed.

Sec. 2. Whereas the crowded condition of the docket of the district court of said county, and the near approach of the close of this session creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved April 13, 1883.

Takes effect after passage.

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CHAPTER LXXXVIII.—An Act to provide for the classification, sale and lease of the lands heretofore or hereafter surveyed and set apart for the benefit of the Common School, University, the Lunatic, Blind, Deaf and Dumb and Orphan asylum funds.

Section 1. Be it enacted by the Legislature of the State of Texas: That all lands heretofore or hereafter surveyed and set apart for the benefit of the Common School, University, the Lunatic, Blind, Deaf and Dumb and Orphan asylum funds may be sold and leased as hereinafter provided.

Sec. 2. There shall be and is hereby created a State Land Board which shall be composed of the Governor, Attorney General, Comptroller, Treasurer and Commissioner of the General Land Office, who shall exercise the powers and perform the duties hereinafter prescribed.

Sec. 3. The said State Land Board shall, under such regulations as they may prescribe, cause the said land to be classified into agricultural, pasture and timber lands and ascertain which tracts have permanent water on them, or bordering on them and cause a tabulated statement of the land in each county to be made, showing the number of the survey, block, quantity in each survey name of company or individual to whom the certificate was granted, the value of the improvements and the owner and such other descriptions and information as may be deemed necessary, and a permanent record thereof shall be made and preserved in the General Land Office, and a copy of such record relating to a county shall be forwarded to the surveyor of such county or land district in which the land is situated; but nothing herein shall be construed to require any further classification of such of said lands as have already been classified, unless the State Land Board shall believe that the same is necessary to ascertain the true value or class of such land.

Sec. 4. Said land shall, in no case be sold for less than two dollars per acre for surveys of land without water on them or bordering on them, nor for less than three dollars per acre for land with permanent water on them or bordering on them, nor less than five dollars per acre for land having timber thereon suitable for lumber, nor for less than two dollars per acre for land having timber thereon not suitable for lumber and classed as timbered lands.

Sec. 5. Any actual settler upon any land included in this act who is now and was an actual settler in good faith on the first day of Janu-

any A. D. 1883, shall have the right, for a period of six months from the time the land shall be placed upon the market for sale, to purchase not less than one hundred and sixty acres nor more than six hundred and forty acres of the land so settled upon, at the minimum price fixed by this act, and on the terms and rate of interest fixed by this act; provided, however, that any actual settler in good faith upon any lands in any county which have been appraised by the proper surveyor, and such appraisement has been approved by the commissioners' court of the proper county, in accordance with the provisions of sections two and three of the act approved April 6, A. D. 1881, concerning the sale of alternate sections of school lands in organized and unorganized counties of this State, and such appraisement has been filed in the General Land Office, but which lands have or have not been placed upon the market under such appraisement, shall be permitted to purchase not less than one hundred and sixty acres (unless there is a fraction of less than one hundred and sixty acres now existing) nor more than six hundred and forty acres of the land upon which they have settled (to include their improvements), at the price per acre fixed by such appraisement; but shall be required to pay the rate of eight per cent interest, as fixed by said act of April 6 A. D. 1881, and shall be permitted to pay all or any part of the purchase money thereof at any time. Such purchaser shall, in all other respects, conform to the provisions of this act; provided, however, that any such person desiring to purchase any of said lands so appraised, shall within six months from the time this act takes effect, file in the General Land Office his application to purchase said land describing it, and on payment of one thirtieth of the purchase money and one year's interest, and forwarding his affidavit stating that he is and was, on the first day of January, A. D. 1883, an actual settler in good faith upon said land, and that he settled on it with a view to purchase it, together with the affidavit of at least two credible citizens of his county showing that such applicant is and was a settler in good faith upon said land; provided, however, that such land having timber thereon suitable for lumber or shingles, and chiefly valuable on that account, shall be sold for cash only, and may be purchased in quantities of not less than eighty acres nor more than three hundred and twenty acres; and provided further that other timbered lands may be purchased at two dollars per acre; and provided further, that no preference in the right of purchase given by this or any other section of this bill shall extend to or include any minerals, but the same shall remain the property of the respective funds to which said lands belong.

Sec. 6. The lands, when placed upon the market, shall be sold in the county or land district in which it is situated, by such authority and under such system of competition as may be prescribed by said Land Board; provided, that no person, either in person or by an agent, shall purchase from the State more than one section of land classed as agricultural land, or as watered land, and seven sections of unwatered pasture land; provided, the board may, in their discretion, require the purchaser of any particular section of watered pasture land to take with the same such a number of dry sections as they may designate, not to exceed seven sections: and every attempt to evade the limitation of this act as to the amount or class of land one may purchase, by any device whatever, shall be deemed fraudulent, and the fraud may be shown and the purchase cancelled by the State within one year from the date of sale; provided, that the agricultural lands shall be sold only to actual settlers: and provided further,

that no person shall be permitted to purchase more than three sections of six hundred and forty acres within five miles of the geographical centre of any county. No corporation shall be permitted to acquire title to more than one section of land in any one county.

Sec. 7. Until otherwise prescribed by the board, the land shall be placed upon the market in the following manner: when the tabulated statement shall have been forwarded to the surveyor of the county or land district and the board shall have designated some one to represent the State in the disposition of the land in such county or land district and notice of such facts shall under direction of the board, have been published in not more than three newspapers of the State, and shall have been published under the direction of the person authorized to sell, for thirty days in the section where the land is situated, the lands of such county or land district shall be considered upon the market for sale, and the person designated to represent the State shall receive bids for the same.

Sec. 8. The person desiring to purchase any of said lands shall file his application with the person authorized to sell, designating the particular section, or tract less than a section, which he desires to purchase and accompany it with a sufficient sum of money to pay for advertising the bid in such manner as may be prescribed by the board, and on the first Tuesday of the month designated in the advertisement, and after at least twenty days notice, the person having authority shall sell the same to the highest and best bidder, at the court house of the county in which it is situated if in an organized county or if an unorganized county at the court house door of the county to which it is attached for surveying purposes. The application shall be considered the first bid unless raised before offered at public outcry, and any one desiring to raise the bid may do so by notifying the seller in writing at any time before it is put up at public out cry or orally at the public auction. No bid shall be received at a less sum than the minimum price fixed by law, nor shall any fraction of less than one hundred and sixty acres be left by such sale, nor shall any fraction of less than three hundred and twenty acres be divided: nor shall such section be divided into other than half a quarter section. Should the person advancing the sum of money for advertising the bid as above provided, not become the purchaser of the land bid for, said money shall be returned to him and collected from the purchaser: provided that no sale of agricultural land shall be perfected until the proposed purchaser files an affidavit that he intends that the land shall be actually settled within six months: and in case of failure to settle the same within that time, the proposed purchaser shall forfeit the money already paid on the land.

Sec. 9. The purchaser shall at once pay to the person selling for the State, or to the State Treasurer, as the board may determine, and within such time as it may fix one-thirtieth of the amount bid, and execute his obligation for the remainder of the purchase money, payable to the State of Texas, and binding the purchaser to pay one-thirtieth of the whole price on the first day of each succeeding year until the whole is paid, and interest at the rate of five per cent per annum on the whole unpaid purchase money from date, payable annually on or before the first of March of each year; and, provided, that after the expiration of seven years, the purchaser shall have the option to pay the unpaid principal, and providing that a failure to pay the annual installments of principal shall not work a forfeiture until the whole sum is due; provided, that upon



proof of actual occupancy, use and improvements for three consecutive years, the purchaser shall be permitted to pay all of the purchase money remaining unpaid; provided further, that any person acting as agent or attorney for another in the purchase of any of said lands shall file with the person authorized to sell a legally executed power of attorney from his principal, or other instrument of writing from a court of competent authority to invest him with powers to consummate a contract.

Sec. 10. If upon the first day of March of any year the interest due remains unpaid the custodian of the obligation of the purchaser shall endorse on it "lands forfeited," and the account kept with the purchaser shall show such failure to pay and such forfeiture; the failure to pay the interest shall ipso facto work a forfeiture and the entry on the account shall be evidence of the fact, and there shall be no necessity for judicial ascertainment of the facts of the forfeiture: and no defaulting purchaser or those claiming under him, shall evade or avoid the effect of such forfeiture at once by reason of any statute or law, which for coverture infancy or the like would otherwise give them additional time for payments or action, except as follows: Should any purchaser die, the representative or heirs of the deceased shall have one year within which to pay the interest due on the first of March next after such death.

Sec. 11. The person authorized to make sales shall receive such obligations for the State and account for the money and notes received by him at such times and in such manner as may be prescribed by the board.

Sec. 12. That in case any purchaser desires to sell the land purchased by him, he may do so after his first payment and in case of such sale, his vendee shall file in the office of the custodian of the original obligation of his vendor, a properly authenticated transfer signed by said vendor and vendee, duly acknowledged and recorded, in the proper county, and said vendee shall thereby assume the obligation and be liable to the penalties imposed upon the original purchaser, and said original purchaser shall thereby be relieved from any further liability upon his obligation.

Sec. 13. Upon payment of all the purchase money and interest upon notes given for the land under this act the Commissioner of the General Land Office shall issue a patent to the purchaser, or his assigns, or heirs, upon payment of the fees prescribed by law; provided, that no patent so issued shall include more than six hundred and forty acres, nor shall it contain portions of any other sections, provided further, that no patent shall issue to agricultural lands until proof of actual settlement shall be made in such manner as may be prescribed by the board.

Sec. 14. The minerals on all lands sold or leased under this act are reserved by the State for the use of the fund to which the land now belongs.

Sec. 15. The said Land Board shall cause the timber on the school land suitable for lumber or shingles to be sold at not less than five dollars per acre, cash, no less than six hundred and forty acres shall be included in one sale. The purchaser shall be required to remove the timber sold within a specified time, not exceeding four years. The board shall appoint such agents and make such regulations relating to the sale of said timber as may be necessary, in their judgment, to effect the object herein sought. Land which has on it timber suitable for lumber and shingles shall not be sold except to actual settlers and at a price not less than five dollars per acre under such regulations as the board may prescribe in tracts of not less than one hundred and sixty acres nor more than six hundred and forty acres, the Land Board shall in every sale of

timber or timbered land where the timber is suitable for lumber or shingles, make such provision in the sale as will protect the timber from trespass on adjacent land embraced by this act not sold; provided, that if any purchaser of said timbered land, before final and full payment, shall cut, sell or destroy or permit any one else to cut or destroy any more timber than is necessary in clearing and improving said lands, and for firewood and building purposes, he shall forfeit all claim to said land, and in case of any violation of this provision of this act it shall be the duty of the proper district or county attorney to institute suit in the district court of the county in which the land is situated in the name of the State, against any such purchaser, to have such forfeiture duly adjudged and executed and a judgment entered for the State for such damages as may be established on the trial of said cause.

Sec. 16. Pasture lands or agricultural lands not timbered, may be leased in suitable quantities for stock and ranche purposes for not less than four cents per acre per annum and for periods not exceeding ten years, by such agents and under such regulations as the board may prescribe. The regulations shall provide for competition. Leases shall be made in the localities where the land is situated. Where there is an application for both sale and lease the sale shall have the preference.

Sec. 17. All lands leased shall remain subject to purchase for actual settlement in bodies not to exceed six hundred and forty acres; but before said purchaser shall be permitted to buy leased land he shall swear that he intends to actually settle on it and until he does actually settle, build and fence thereon the lessee shall remain in possession; provided, that when the lessee has but one watered section leased from the State in the same vicinity, such section shall not be subject to sale and settlement during the term of the lease; and provided further, that when a sale is made of leased land then the lessee shall be entitled to have a pro rata of any rent which he shall have paid in advance, refunded him by the Treasurer of the State upon warrant drawn by the Comptroller by order of the Land Board; provided, that no enclosure bordering on, along or across any stream of water shall be of a width of more than four miles and a space of at least forty yards shall be left open between all such enclosures.

Sec. 18. The said Land Board shall have the power to employ and discharge such persons as may be necessary to enable them to cause this act to be efficiently executed, and fix their compensation and may delegate to them such powers as may be necessary to enable them to aid in carrying out the provisions of this act. The expenses of selling and leasing the School, University or the Lunatic, Blind, Deaf and Dumb or Orphan Asylum lands shall be paid out of the proceeds of the sales and leases, except that paid by the purchaser under such regulations as the said board may prescribe.

Sec. 19. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 20. The fact that there is no law authorizing the sale and lease of the land herein for a sufficient price under fair competition, and the fact this measure may fail, if it is delayed to come up in regular order, creates an imperative public necessity and emergency that the rule requiring this bill to be read on three several days be suspended; and that this act shall take effect from and after its passage, and it is so enacted.

Approved April 12, 1883.

Takes effect ninety days after adjournment.

CHAPTER LXXXIX.—An Act to amend Article 787, Title 23, of the Revised Civil Statutes of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That Article 787, Title 23, of the Revised Civil Statutes of the State of Texas shall hereafter read as follows:

Gillespie Co.

Article 787. Beginning at a point on the dividing line between the old counties of Bexar and Travis, lying eighteen thousand varas (18,000) south seventeen degrees west, from where said line crosses the Perdinales river; thence due north with the line of Blanco county to the south line of Llano county, being a line running due west from a point five miles due south of the mouth of Sandy creek; thence due west with said line and the south line of Mason co. seventy-seven thousand varas; thence due south to a point lying due west from the beginning; thence due east seventy-seven thousand varas to the beginning.

Sec. 2. The near approach of the close of the present session of the Legislature, and the fact that under the existing law the courts of Gillespie county outside of the limits of said county, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is hereby so suspended, and that this act take effect and be in force from and after its passage; and it is so enacted.

Approved April 13, 1883.

Takes effect from passage.

CHAPTER XC.—An Act to amend an act to prescribe the times of holding the District Courts in the ninth judicial district, approved April 9th, A. D. 1879.

Section 1. Be it enacted by the Legislature of the State of Texas: That the District Courts of the counties embraced in the ninth judicial district of the State of Texas shall be hereafter held as follows: In the county of Robertson on the first Monday in January and the first Monday in June, and may continue in session eight weeks: In the county of Brazos on the first Mondays in March and September, and may continue in session six weeks. In the county of Milam on the third Monday in April and may continue in session six weeks, and on the third Monday in October and may continue in session seven weeks.

Sec. 2. The near approach of the close of the session creates an imperative public necessity that the rule requiring bills to be read on three several days be suspended, and it is suspended, and the accumulation of business on the docket of the District Court of Milam county creates an emergency that this bill take effect and be in force from and after its passage and it is so enacted.

Approved April 13, 1883.

Takes effect after passage.

**CHAPTER XCI.**—An Act to amend Article 1639 of the Revised Civil Statutes of the State of Texas, adopted by regular session of the Sixteenth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That Article 1639 of said Revised Civil Statutes be, and the same is, hereby amended so that it shall hereafter read as follows, to-wit:

"Article 1639. The party appealing, his agent or attorney, shall, within ten days from the date of the judgment, file with the justice a bond, with two or more good and sufficient sureties, to be approved by the justice, in double the amount of the judgment, payable to the appellee, conditioned that the appellant shall prosecute his appeal to effect, and shall pay off and satisfy the judgment which may be rendered against him on such appeal. When such bond has been filed with the justice the appeal shall be held to be thereby perfected: but if, upon the call of the docket upon appearance day in the court, to which the appeal is taken, the appellee fails to appear in person, or by attorney, the case shall be continued, unless it is shown to the court that notice of the appeal has been given as hereinafter provided; and no judgment by default shall at any time be rendered against an appellee whose appearance has not been entered in the case, unless and until it is made to appear to the court that notice in writing of such appeal has been served upon the appellee, his agent or attorney, at least five days before the first day of the term at which such judgment by default is sought to be taken. Such notice may be signed by the clerk of the court, or by the appellant, his agent or attorney, and may be served by the sheriff or any constable of the county, or by any other person competent to make oath of the fact; and the service shall be made by the delivery of a copy thereof to the appellee, his agent or attorney: and such service shall be evidenced by the return thereon of the officer executing the same, or by the oath of such other competent person indorsed thereon and filed with the papers in the case."

Approved April 13, 1883.

Takes effect ninety days after adjournment.

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**CHAPTER XCII.**—An Act to restore to and confer upon the county court of Titus county the criminal jurisdiction heretofore belonging to it under the Constitution and general statutes of the State and to conform the jurisdiction of the district court of said county to such change.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county court of Titus county shall hereafter have exclusive original jurisdiction of all misdemeanors, except misdemeanors involving official misconduct, and except cases in which the highest penalty of fine that may be imposed under the law may not exceed two hundred dollars, and said court shall also have appellate jurisdiction in criminal cases of which justices of the peace, and other inferior tribunals, of said county have original jurisdiction.

Sec. 2. Said county court shall have jurisdiction in the forfeiture and

judgment of all bonds and recognizances taken in criminal cases, of which criminal cases said court has jurisdiction, and shall have power to issue all writs necessary to the enforcement of the jurisdiction of said court, and shall also have power to issue writs of habeas corpus in all cases in which the Constitution has not conferred the power on the district courts or the judges thereof.

Sec. 3. The district court of said county of Titus shall no longer have jurisdiction of cases of which the county court of said county, by the provisions of this act, has original or appellate jurisdiction. And it shall be the duty of the district clerk of said county, within twenty days after the passage of this act, to make a full and complete transcript of all orders on the docket of the said district court, in cases now pending before said district court, of which cases, by the terms of this act, exclusive jurisdiction is given to the county court, and to deliver said transcript, together with the original papers and a certified bill of costs in each case to the county clerk of said county, and said county clerk shall enter said cases on his docket for trial by said county court.

Sec. 4. The county court of said county shall hereafter hold its regular terms for criminal business as provided in the Constitution and general laws of the State, and all process heretofore issued from the district court of said county in cases to be transferred under this act, to the county court shall be returnable to the first term of the proper county court, and all cases so transferred shall be entered upon the docket of the said county court.

Sec. 5. That the short period of time now remaining before the expiration of the present session of the Eighteenth Legislature creates the necessity for suspending the constitutional rule requiring all bills to be read on three several days in each house, such rule is accordingly suspended, that this bill may be read a third time and placed upon its final passage, and it is hereby so enacted.

Approved April 13, 1883.

Takes effect ninety days after adjournment.

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CHAPTER XCIII.—An Act to amend an act amendatory of Title 83 and of the supplement thereto of the Revised Civil Statutes approved February 28, 1883.

Section 1. Be it enacted by the Legislature of the State of Texas, That Article 4090i of the Revised Civil Statutes be so amended as to hereafter read as follows:

Article 4090i. All the costs and expenses of enforcing and maintaining the general quarantine, or such as are ordered by the Governor or State Health officer, shall be paid out of the fund appropriated for quarantine purposes. All regular quarantine officers shall be appointed and commissioned by the Governor of the State, and all health authorities of the State or of any county or city thereof, shall obey the rules and regulations prescribed by the Governor or State Health officer. The regular officer in charge of regularly established quarantine stations on the coast, shall be allowed ten dollars per day while on duty; temporary officers or those commissioned by the Governor to guard against threatened epidemics, or those temporarily assigned to duty by the Health

Officer of the State, under the provisions of Article 4090 of this Title, shall be allowed and paid five dollars per day, and such other pay for extra expenses actually incurred, as may be deemed just by the Governor and State Health officer. All quarantine officers whether of towns, cities, counties, or State, shall be authorized to administer oaths to any person or persons suspected of violating any quarantine regulations, and any person or persons swearing falsely shall be punished according to the provisions of the Penal Code.

Sec. 2. The near approach of the close of the session of the Legislature and the importance of an efficient quarantine service, creates an emergency and public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved April 13, 1883.

Takes effect ninety days after adjournment.

CHAPTER XCIV.—An Act making appropriations for deficiencies in the appropriations heretofore made for payment of expenses in support of the Government, from March 1st, 1882, to February 28th, 1883, being for payment for claims registered in the Comptroller's Office, in accordance with law, and for outstanding claims not registered, and other deficiencies.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the Treasury not otherwise appropriated, for deficiencies in the appropriations heretofore made, for payment of expenses in support of the Government from March 1st, 1882, to February 28th, 1883, being for payment of claims registered in the Comptroller's office, in accordance with law, and for outstanding claims not registered, and other deficiencies:

Deficiency for Quarantine Services.

To pay citizens of, or the counties of Hidalgo, Starr, Cameron, Orange, Matagorda, Brazoria, Aransas and other counties and Pass Caballo and Brazos Santiago, for quarantine services, when approved by competent authority .....	\$18,759 53
To pay J. L. Daugherty for feeding detained prisoners under quarantine .....	281 40
To pay M. A. Earl, a guard at quarantine station at Texarkana, Texas for the month of October A. D. 1879.....	30 00
To pay Christian Hess .....	32 62
To pay Duval county .....	219 50
To pay Nueces county .....	1,504 11

To Pay the Public Debt of the Republic of Texas.

Geo. L. Hannisucker .....	\$99 00
Isaac N. Mitchell .....	15 75
Benjamin Cage .....	29 25

Thomas Cooper .....	\$104 25
W. W. Stuart .....	47 25
Thomas Newcomb .....	31 50
P. M. Bull .....	50 00
Mrs. John Clark .....	54 00
Alfred Swingla (balance due) .....	30 00
H. Journey .....	29 25
Ed Mallock .....	24 00
James Stribling .....	31 50
William Hemphill (heirs) .....	35 00
John O. Barr .....	14 00
Thos. W. Hunt .....	15 75
To pay claims for services rendered for frontier defense, or as Texas soldiers prior to January 28th, 1861, the sum of	5,000 00

## Deficiencies for the Judiciary Service.

W. H. Andrews, special judge, Hunt county.....	\$124 61
J. H. Henderson " " Cass " .....	27 36
Wharton Branch " " Jefferson " .....	41 04
G. W. Pasco special judge Grayson county.....	20 52
T. L. Nugent, district judge of the 30th judicial district, for three days' services as district judge, on February 26, 27 and 28, 1879 .....	20 50
To pay special judges not named.....	800 00
" " deficiency in lights and fuel for Supreme Court being amount of surplus in appropriation for Court of Commissioners of Appeals .....	126 06
" " salaries of district attorneys for the year ending Feb- ruary 28, 1883 .....	1,500 00
" " porter hire for Commissioners of Appeals at Galves- ton .....	30 00
For Court of Appeals at Austin, books and stationery.....	159 80
" expenses of suit relating to title to certain land con- nected with the A. and M. College now pending in the Supreme Court .....	800 00

## Deficiencies for State Officers and Clerks' Salaries.

John S. Ford, Superintendent Deaf and Dumb Asylum.....	\$300 00
W. W. Searcy, executive clerk .....	675 00
W. M. Milby, " " .....	20 92
J. W. Swindells, " " .....	602 82
J. H. McLeary, salary Attorney General Jan 1 1883, to Jan 10, 1883 .....	55 55
W. E. Saunders, Lunatic Asylum, balance of salary for year ending Feby 28, 1881.....	373 33
To pay six temporary clerks in General Office.....	1,350 00
" " O. M. Roberts, jr. ....	1,190 06
" " H. L. Spain .....	1161 67
" " W. A. Wortham, salary as Commissioner for apprais- ing school timber lands .....	166 65
" reimburse A. Bledsoe, for amount expended by him in defending the mandamus suit against him in the In-	

ternational Railroad cases, or to his heirs or legal representatives upon satisfactory proof being made to the Comptroller, that the amount allowed has been expended .....	\$1000 00
For S. N. Pickens, for services as Inspector and Guard for the East Texas Penitentiary, from Jan. 14, 1879, to April 7, 1879, in full payment.....	207 50

Deficiencies for Payment of Troops in Suppressing Riots.

Calvert City Guards.....	\$39 00
Orange Rifles .....	160 00
San Bernard Mounted Rifles.....	36 00
Coke Guards .....	170 00
Texas and Pacific Railroad, transportation.....	150 80
Lamar Rifles .....	224 20

Deficiencies in Sheriffs' Claims.

To pay T. J. Hamm, sheriff of Van Zandt county, for conveying a felony convict from said county to the penitentiary, and not paid for, upon proof that said convict was conveyed and delivered, and not paid for.....	\$147 00
For H. C. Denny, in payment of claim of J. M. Kiser, sheriff of Bell county, for conveying convicts to the penitentiary from said county .....	101 50
To pay costs to sheriffs, clerks and attorneys in district courts, on file with Comptroller.....	15,000 00
" " Wm. Scanlon, sheriff of Cameron county, for carrying prisoners to the penitentiary.....	800 00
" " Wm. Scanlon, sheriff of Cameron county, expenses for capture of R. A. Blanford.....	358 00
" " J. B. C. Harkness, sheriff of Frio county, for conveying prisoners to penitentiary in 1879.....	189 20
" " W. M. King, sheriff of Jack county, for conveying prisoners to penitentiary in 1881.....	235 40
" " C. C. Dupree, sheriff of Franklin county, for conveying prisoners to penitentiary in 1881.....	80 00
" " W. E. Crosby, for fees due him for conveying prisoner, Bob Whitcher, from Red River to Wise county, on a charge of murder.....	83 00
" " James W. Cobb the reward offered by the Governor for the capture of J. E. Bland, in 1879.....	100 00
" " James H. Wren, ex-sheriff of Hays county, for services performed in felony cases, as approved by L. W. Moore, judge of the fifteenth judicial district, on September 22, 1880, to be audited by the Comptroller the same as if not barred by limitation....	106 70
" " Henry Fleming, ex-sheriff of Wheeler county, for conveying Ed. Hart (a convict) from Mobeetie in Wheeler county to the penitentiary at Huntsville in Walker county, a distance of 770 miles, the contractors having refused to come for the said convict, these services performed in 1882.....	216 00



To pay George Wolf, sheriff of Lampasas county, for conveying convicts in 1881 to penitentiary at Huntsville, \$290 00

Asylums.

To pay deficiency for the Lunatic Asylum for supplies for year ending February 28, 1883..... \$2680 18

Blind Asylum.

For balance of salary due Dr. Rainey, for year from March 1st 1879, to February 28, 1880..... \$200 00

Deaf and Dumb Asylum.

To pay deficiency for Deaf and Dumb Asylum for supplies for year ending February 28, 1883..... \$2596 98

Miscellaneous.

To pay Loving & Maxwell for labor, lumber and glazing Capitol building ..... \$35 60

“ “ J. S. Pickel for removing records, safes, furniture etc, of the Comptroller's Office to the Temporary Capitol ..... 148 19

“ “ Contingent expenses necessitated by removal of the books, safes and furniture of the Comptroller's Office to the Temporary Capitol..... 60 00

“ “ D. W. Jones for furniture for Executive Mansion, in 1878 ..... 67 45

“ “ Mrs. Sydney L. Cole her pension as the widow of David Cole, for years of 1870 to 1876..... 300 00

“ “ Balance due members of Capt. L. L. Fackett's Company of minute men, organized Oct. 20th, 1865, by the Chief Justice of Parker county under act for frontier defense, approved Feby 7, 1881, viz:

A. J. Caldwell..... 4 37

N. F. Nunn..... 17 43

G. R. Patton..... 78 44

“ “ Mrs. Julia M. Barner, widow of Eli Barner, amount paid by her husband through error for purchase money for a certain tract of land, known as the Alexander survey, situated in Harrison county, Texas, and escheated to the State, by order of the District Court of said county..... 116 02

To refund Abraham Howard money paid into the General Land Office by virtue of an act passed March 25, 1881, authorizing the refunding of moneys wrongfully paid into the General Land Office under the acts of August 26, 1856, and November 28, 1857, for the location, sale and settlement of the Mississippi and Pacific Railroad Reserve, which land he failed to obtain..... 80 00

To pay Anthony Deffenbaugh, Frank W. Johnson and W. L. Hunter, members of the Veteran Board, appointed under act of 1881, (claimants to file relinquishment of all claims for said service heretofore rendered, prior to receiving the benefit of this act), to be approved by the Governor.....	\$1424 50
" " John N. Lyle, for services as codifier of Revised Statutes, from July 22, 1879, to Oct. 10, 1879, at \$208.33 1/2 per month, for two months and eighteen days.....	541 40
" " James B. Smith for extra work on temporary Capitol .....	4,412 10
" " James B. Smith on the original contract for building the new Capitol.....	300 00
" " Gilbert Book Company, when the balance of books are delivered in compliance with act of May 6, 1882, 4115 copies yet to be delivered, at the rate of \$3.00 per copy .....	12,345 00
For balance due on public printing done during the year ending February 28, 1883.....	300 00
" deficiency in support for State students at Agricultural and Mechanical College, to end of present session, June, 1883 .....	6,000 00
" M. H. McLaurin, sixteen days salary in January, 1883, as superintendent of construction of temporary State Capitol at \$5.00 per day by order of the Capitol Board (approved by John Ireland, Governor and President of the Capitol Board.....	80 00
To pay Thomas Goggan balance due on piano for Governor's mansion bought in the year 1872, in full payment and satisfaction .....	325 00
" " Wm. Brueggerhoff rent of rooms, used by State officers, under control of the several Departments....	818 00
" " Tom Murrah, agent for owner, for rent of building on Pecan street for Comptroller's office, and also for Treasurer's office, as per contract.....	170 00
" " Geo. H. Ragsdale, for surveying certain University lands in Cooke county, 1874, and 1875, this amount to be paid out of the available University fund....	400 00
" " Galveston News for printing notices for Commissioners of Appeals, \$12.45 and Asylums \$85.80....	98 25
" " M. T. Thompson, for rent .....	38 00
" " A. W. Reilly for publishing citation in escheat suit in Van Zandt county.....	40 95
To pay teachers and inspectors of public free schools for services rendered prior to July 1, 1873, said claims to be audited by the Comptroller in accordance with the laws under which said services were rendered, and acts on the subject, approved respectively on April 27, 1874, and July 6, 1876, the said Comptroller to determine in all cases from information he may regard as reliable, if said claims are honest and proper, notwithstanding they may be proved up or established as provided in said acts, and this appropriation to be only for the unexhausted surplus	

of the appropriation by the Seventeenth Legislature; and the Comptroller shall have power to reject all such claims as he may find fraudulent, and said rejection shall forever bar the same; and all rejections by previous Comptrollers shall remain and not be revived by this appropriation. Should this amount be found insufficient to pay the claims audited by the Comptroller, he shall pro rata the same among said audited claims; provided, that no claims not heretofore established or proved up under the laws under which the services were rendered or under one of said acts, shall be audited hereunder, and no claim shall be audited, unless the same is filed in the Comptroller's office within six months within the passage of this act. All claims not so filed within six months shall be forever barred.....

Due Burnett & Kilpatrick, as lessees of the State Penitentiary, being excess in value of property turned over by them to the State.....	\$15,000 00 440 80
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Sec. 2. That whereas, the near approach of the close of the session of the Legislature creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days in both houses be suspended, and the fact that there is ample money in the Treasury to pay these deficiencies, creates an emergency that requires this act to take effect and be in force from and after its passage, and it is therefore enacted that the constitutional rule be suspended, and that this act take effect from and after its passage.

Approved April 13, 1883.

Takes effect ninety days after adjournment.

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CHAPTER XCV.—An Act to amend Article 575, Chapter 3, Title 20 of the Revised Statutes of the State of Texas, by adding thereto Section 9.

Section 1. Be it enacted by the Legislature of the State of Texas: That another section, to be numbered "Section 9," be added to Article 575 of the Revised Statutes of Texas, to read as follows, to-wit:

Section 9. Any private corporation created either by special act of the Legislature, or under the provisions of the general law, for the support of any benevolent, charitable, educational or missionary undertaking, the support of any literary or scientific undertaking, the maintenance of a library, or the promotion of painting, music or other fine arts, whose charter may expire or may have expired by limitation may revive such charter with all the privileges and immunities and rights of property, real and personal, exercised and held by it at the date of the expiration of its said charter, by filing, with the consent of a majority of its stockholders, a new charter under the provision of the general law of the State of Texas, reciting therein such original privileges and immunities and rights of property, and by filing therewith a certified copy of such original forfeited charter: and any two or more of such corporations may revive and consolidate their charters under a new corporate name or un-

der the name of either, with all the privileges, immunities and rights of property, real and personal, enjoyed by each at the date of the expiration of their several charters, by, in like manner filing a charter, which shall recite the fact of consolidation, accompanied by certified copies of said original charter: provided this act shall not be construed to relieve any corporation from the payment of occupation taxes now or hereafter required by law.

The foregoing act was presented to the Governor of Texas for his approval on the 2nd day of April A. D. 1883, and was not signed by him nor returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.

Takes effect ninety days after adjournment.

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**CHAPTER XCVI.—An Act to amend Title 17 Chapter 10 of the Revised Statutes of the State of Texas by adding thereto Articles 503a and 503b.**

Section 1. Be it enacted by the Legislature of the State of Texas That Title 17 Chapter 10 be amended by adding thereto the following articles to be known as articles 503a and 503b.

Article 503a. Whenever fifty qualified voters of any territory within the limits of any incorporated town shall sign and present a petition to the mayor of such city praying that such territory, setting the same out by metes and bounds be declared no longer a part of such town, it shall be the duty of the mayor thereof to order an election within thirty days thereafter to be holden at the different voting precincts of said town: and if a majority of the legal voters of said town voting at such election, cast their votes in favor of discontinuing said territory as a part of said town the mayor of said city shall declare such territory no longer a part of said city and shall enter an order to that effect on the minutes or records of the city council, and from and after the date of such order said territory shall cease to be a part of said town: provided no city or town shall thus be reduced to a less area than one square mile or one mile in diameter around the centre of the original corporate limits.

Article 503b. Whenever any territory shall withdraw as above provided and such city or town shall at the time of such withdrawal owe any debts by bond or otherwise, such withdrawing territory shall not be released from the payment of its pro rata of such indebtedness, but it shall be the duty of said city council to continue to levy an ad valorem tax each year on the property of said territory of the same rate as is levied upon other property of such city until the taxes collected from said territory shall equal its pro rata share of the indebtedness of said city or town at the time of the withdrawal. The taxes so collected shall be charged only with the cost of levying and collecting the same, and the same shall be applied exclusively to the payment of said pro rata share of indebtedness. Nothing herein shall be construed to prevent the inhabitants of said territory from paying in full at any time their pro rata share of the indebtedness of said city.

Sec. 2. The near approach of the close of the session of the Legisla-

ture and the importance of permitting towns to diminish their limits, creates an emergency and public necessity that the constitutional rule requiring bills to be read on three several days be suspended and it is hereby suspended.

Approved April 14, 1883.

Takes effect ninety days after adjournment.

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**CHAPTER XCVII.—An Act to provide for the disposition of the minerals in the Public School, University, Asylum and Public Lands of the State of Texas.**

Section 1. Be it enacted by the Legislature of the State of Texas: That all minerals in the Public School, University, Asylum and public lands of the State of Texas be and the same are reserved from the operation of the laws for the sale of such lands and shall be used and disposed of for the benefit of the respective funds for which said lands are now set apart as hereinafter prescribed.

Sec. 2. The State Land Board shall have the control and management of the disposition and use of said minerals and shall provide such rules and regulations therefor as to them may seem best within the provisions of this act.

Sec. 3. When a prospector or miner shall discover upon any of said lands any mine of coal, iron, tin, copper, lead, silver or gold he shall immediately stake the same in its apparent extent not to exceed in size three hundred feet one way by fifteen hundred feet the other way, the corners to be marked by distinct stone land marks and shall within forty days thereafter file a description of said mine, the county in which it is situated, the number of survey, the company or individual to whom the same was issued, and such other description as is practicable in the clerk's office of the county where the land lies or if in an unorganized county, then in the county to which the same is attached for surveying purposes, which description shall be verified by an affidavit of the fact that he is the discoverer of said mine, and that he intends to fully prospect the same and comply with the law pertaining to the same in good faith; and shall be registered in the record of deeds. He shall then have the privilege of selling the rights he may have acquired in said mine—provided that he or his assigns shall within ninety days after the filing of such description have said mine surveyed and shall file a copy of said survey together with specimens of the ore taken therefrom with the State Land Board at Austin.

Sec. 4. After the filing of such survey and specimens, the discoverer or his assigns shall work said mine for his own benefit and for the benefit of the fund to which said mine belongs, said fund to receive five per centum of the gross receipts from said mine to be paid and received in such manner and under such regulations as the Land Board may prescribe by general rules applying alike to all such cases—provided that the mines shall be worked subject to such rules and regulations as the Land Board may prescribe, and which may be from time to time, changed, and they may by regulation prescribe such conditions of forfeiture of the rights hereby conferred as they may think proper, and on their violation declare such forfeiture—provided further that any one taking up a

mining claim of the dimensions herein provided for shall do at least two hundred dollars worth of work per annum on the same, and furnish annual proof of the same to the Land Board. Any one failing to comply with this provision shall forfeit his interest and it shall be subject to entry by any other person and it shall require no judicial forfeiture.

Sec. 5. The filing and registration of the description hereinbefore provided to be filed with the county clerk shall be constructive notice of claim. But all persons who have heretofore discovered and worked mines on said lines shall have a prior right for ninety days after the passage of this act in which to comply with this law as discoverer.

Sec. 6. This being a matter of great general interest and importance and there being no law regulating the same an imperative public necessity and emergency exists for its immediate passage, therefore it is enacted that the constitutional rule be suspended and that this act take effect from and after its passage.

Approved April 14, 1883.

Takes effect after passage.

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**CHAPTER XCVIII.—An Act to amend Article 4742 of the Revised Civil Statutes of this State.**

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 4742 of the Revised Civil Statutes be so amended as to hereafter read as follows:

"Article 4742. The collector of taxes shall, on forms to be furnished for that purpose by the Comptroller of Public Accounts, make a report under oath, to the Comptroller, of all taxes collected by him for the State, every three months. The first report shall include the months of October, November and December; the second shall include the months of January, February and March; the third shall include the months of April, May and June; the fourth shall include the months of July, August and September of each year, and he shall make a like report of each regular term of the commissioners' court of all taxes collected for the county."

Sec. 2. The near approach of the close of the session creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended.

Approved April 13, 1883.

Takes effect ninety days after adjournment.

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**CHAPTER XCIX.—An Act to amend Article 4767 of the Revised Civil Statutes regulating the fees of tax collectors.**

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 4767 of the Revised Civil Statutes shall hereafter read as follows:

Article 4767. The collector of taxes shall receive as compensation

for his services six per cent on the first ten thousand dollars of taxes collected and five per cent on the next ten thousand dollars collected by him for the State and two per cent on all such taxes collected over that sum: for collecting the county tax five per cent on the first five thousand dollars of such taxes so collected by him and four per cent on the next five thousand dollars collected and two per cent on all such taxes collected over that sum and that in counties owing subsidies to railroads, the collector shall receive only one per cent for collecting such railroad tax and in case where property is levied on and sold for taxes he shall receive the same compensation as is allowed by law to sheriffs or constables for making a levy and sale in similar cases; but in no case to include commissions on such sales.

Sec. 2. And on all occupations and license taxes collected five per centum.

Sec. 3. The near approach of the close of the session and the fact that the compensation of tax collectors is inadequate creates an imperative public necessity and an emergency that the constitutional rule requiring this bill to be read on three several days be suspended and it is suspended and that this act take effect and be in force and after its passage and it is so enacted.

Approved April 17, 1883.

Takes effect ninety days after adjournment.

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CHAPTER C.—An Act to amend Article 669, Title 17, Chapter 2, of an Act entitled "An Act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas, passed Feby 21st, 1879.

Section 1. Be it enacted by the Legislature of the State of Texas, That Article 669, Title 17, Chapter 2, of an act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas, passed Feby 21st, 1879, be so amended as to hereafter read as follows:

Article 669. If any person shall wilfully or negligently set fire to, or burn, or cause to be burned, any wood land or prairie not his own, he shall be punished by fine not less than fifty, nor more than three hundred, dollars.

Sec. 2. Whereas, this session approaches its close and time is wanting within which to consider this bill on three several days in each house and secure its passage by the end of the session, therefore an imperative public necessity is created for the suspension of the constitutional rule requiring bills to be read on three several days; and it is so enacted.

Approved April 14, 1883.

Takes effect ninety days after adjournment.

**CHAPTER CI.**—An Act to amend Article 1190 of the Revised Civil Statutes, so as to make the provisions of the article apply to foreign as well as domestic corporations.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 1190 of the Revised Civil Statutes be so amended as to hereafter read as follows:

Article 1190. In pleading the charter or act of incorporation of any corporation, public or private, it shall not be necessary to set out at length such charter or act of incorporation, but it shall be sufficient to allege that such corporation was duly incorporated, and such allegation by either party shall be taken as true, unless denied by the affidavit of the adverse party, his agent or attorney.

Approved April 17, 1883.

Takes effect ninety days after adjournment.

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**CHAPTER CII.**—An Act to amend Articles 66, 67, 68, 70, 71, 72, 73, 74, 80 and 97 of an Act entitled "An Act to adopt and establish the Revised Civil Statutes of the State of Texas" passed March 17th 1879, and to amend Articles 75 and 79 of the Revised Civil Statutes, of the State of Texas as amended on April 18th 1879 and to add Article 68a.

Section 1. Be it enacted by the Legislature of the State of Texas: That Articles 66, 67, 68, 70, 71, 72, 73, 74, 75, 79, 80 and 97 of the Revised Civil Statutes of the State of Texas shall be so amended as hereafter to read as follows.

Article 66. The Asylum heretofore established by law at the seat of government and any other that may hereafter be established elsewhere for the care and treatment of insane persons, shall be managed and controlled in accordance with the provisions of this title.

Article 67. The general control management and direction of the affairs of the Texas Asylums for the Insane shall be vested in a board of managers to be styled, the Board of Managers of the Lunatic Asylums, subject only to such rules and regulations as may be prescribed by the Legislature. Three of the members of each board shall reside within five miles of their respective Asylums.

Article 68. The Governor shall appoint for the Lunatic Asylum and each branch thereof a board of managers consisting of five members, who shall hold their terms of office as follows: two shall hold their office for two years: two for four years and one for six years or until their successors are appointed and qualified: and whenever a vacancy occurs in said boards, it shall be filled by the Governor and the term of office of the person so appointed shall be for the unexpired term of the person whose place is made vacant. The Board of Managers shall be appointed by the Governor, by and with the advice and consent of the Senate.

Article 68a. Each of the members of the Board of Managers shall be paid five dollars per day and five cents a mile for going to and returning from the Asylums for the purpose of holding their monthly meetings: provided for by this act and no member shall be paid, except in



case of his actual attendance on said meetings, and the certificate of the president of the Board of Managers, approved by the Superintendent shall be a sufficient voucher for the Comptroller to draw his warrant upon the Treasurer for the amount due each member of said board, for his attendance on said meetings: provided, no meeting shall be for a longer time than one day.

Article 70. The Board of Managers shall hold monthly meetings at the Asylum, and a full account of all their acts and proceedings shall be recorded by the secretary in a book to be provided for that purpose.

Article 71. The members of said Board of Managers, shall be persons distinguished for their philanthropy, and when appointed in accordance with this act, they shall have the general direction and control of all the property and business of the Asylums, in accordance with the requirements of law, and in all those cases not provided for by law they shall have such direction and control of the property and business of the Asylums according to the by-laws, rules and regulations of the Asylums. They may take and hold in trust any gift or devise of real or personal estate for the benefit of the said Asylum and apply the same, as the donor or deviser may direct.

Article 72. The board of managers shall have power

1st. To make all necessary by-laws and regulations not inconsistent with the Constitution and laws of this State, for the government of their institutions, officers, employes and inmates and for the admission of visitors.

2nd. To determine the salaries and wages of all officers and employes of the Asylums.

3rd. To discharge upon the recommendation of the Superintendent, any officer employee or patient in the Asylums.

4th. Upon the nomination of the Superintendent, to appoint the assistant physicians, steward, matron and apothecary to the Asylum.

5th. To examine the accounts and vouchers of the Superintendent and to reject or approve the same as they may deem right and proper.

6th. To exercise a careful supervision over the general operations and expenditures of the Asylums, and to direct the manner in which its revenues shall be disbursed.

7th. They shall also cause to be kept a clinical record of all cases admitted in the Asylums.

Article 73. The managers shall maintain an effective inspection of their Asylums a committee for which purpose shall visit them once every month, a majority once every quarter and the whole board once a year at the time and in the manner prescribed by the by-laws. In a book kept by the managers for this purpose, the visiting manager or managers shall note the date of each visit, the condition of the house; patients, etc., with remarks of commendation or censure and all the managers present shall sign the same.

Article 74. The general result of these inspections, with suitable hints and suggestions, shall be inserted in the biennial report detailing the past year's operations and actual state of the Asylums, which the board shall make to the Legislature in the month of January of each alternate year beginning with the year 1885 accompanied by the report of the medical superintendent and steward.

Article 75. The board of managers of the Lunatic Asylum shall elect a medical superintendent of their respective asylums, who shall hold their offices for two years. He shall be a married man, a skillful

physician and good executive officer, and he shall also be experienced in the treatment of insanity. He shall have had special advantages and practical experience in the management of hospitals for the insane, and in the treatment of insanity by a residence for at least three years in such an institution. He shall reside in the Asylum with his family or in a house near the Asylum erected for the purpose: and he shall devote his whole time exclusively to the duties of his office.

Article 79. The board of managers shall have power to remove the Superintendent for good and sufficient cause only.

Article 80. The Superintendent shall be the chief executive medical and disbursing officer of the institution and subject to the by-laws, shall have general care and control over everything connected therewith. He shall attend to the enforcement of the laws of this State relating to the asylums and the by-laws of the institution and shall take care that all employees connected therewith, diligently and faithfully perform the duties assigned to them: and it shall be his duty to admit any of the board of managers into every part of the asylum, and to exhibit to him or them on demand all the books papers and accounts belonging to the institution or pertaining to its business, management, discipline or government also to furnish copies, abstracts and reports whenever required by the board.

Article 97. If applications be made for the admission of more patients than can be accommodated in the asylum preference shall be given in all instances to public over private patients, and of the former class to cases of less than one year's duration over chronic cases, and to indigent patients over others possessed of property and no private patients shall be admitted during pendency of an application by a public patient nor shall any public non-indigent patient be admitted during the pendency of an application by an indigent public patient.

Sec. 2. It is further enacted that all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Sec. 3. The near approach of the end of the session creates an emergency and an imperative public necessity justifying the suspension of the constitutional rule requiring bills to be read on three several days and that this act take effect and be in force from and after its passage: said rule is therefore suspended and it is enacted that this act take effect and be in force from and after its passage.

Approved April 14, 1883.

Takes effect after passage.

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### CHAPTER CIII.—An Act to create and provide for the organization of the county of Reeves.

Section 1. Be it enacted by the Legislature of the State of Texas: That a new county to be called "Reeves county" is hereby established out of the following portion of Pecos county. Beginning at Great Falls on the Pecos river on the line of Pecos and Tom Green counties, thence south west to Varela Springs on the line of Pecos and Presidio counties; thence north west with the east line of Presidio county to San Martin in Apache mountains, thence north east with the east boundary line of El Paso county to the mouth of Delaware creek, where it

empties into the Pecos river; thence down the Pecos river to the place of beginning.

Sec. 2. The expense of running and marking the new county lines thus to be created, shall be paid by the new county, and each person appointed to run and mark any line or lines of said county shall be allowed three dollars per mile for each mile run.

Sec. 3. That it shall be the duty of the county commissioners' court of Pecos county within sixty days after the enactment of this law to lay off and divide said new county into convenient precincts for the election of county officers and also to designate convenient places in the new county where elections shall be held, of all which they shall cause a record to be made by the clerk and a copy thereof shall be transmitted to the county judge of the new county when elected.

Sec. 4. That the county judge of Pecos county immediately thereafter do order an election of county officers in said new county and appoint the presiding officers and managers and clerks of election, as is prescribed by law in other cases. The election returns shall be made to the county judge of Pecos county who shall issue certificates to the persons elected and shall approve the bonds of such officers and shall administer to them the oath of office.

Sec. 5. That the new county shall pay a pro rata share of the existing debt of the county of Pecos and there shall be set apart so much of the county tax levied and collected upon the property situated in the portion so taken from the county of Pecos annually as shall be sufficient to speedily liquidate said existing debt or debts, if any.

Sec. 6. Whereas the end of this session is near at hand and an imperative public necessity exists for the creation as indicated above, of the county of Reeves, and an emergency that the constitutional rule requiring bills to be read on three several days should be suspended, therefore said rule is suspended and it is enacted that this act take effect and be in force from and after its passage.

Approved April 14, 1883.

Takes effect from passage.

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CHAPTER CIV.—An Act to create a Land Board with authority to investigate alleged land frauds and to authorize the institution of suits in the name of the State: to annul purchases in certain cases illegally and improperly made under an act to provide for the sale of alternate sections of land in organized counties as surveyed by railroad companies and other works of internal improvement and set apart for the benefit of the common school fund approved July 8th 1879 and an act amendatory thereof approved April 6th 1881 and to authorize the confirmation and validation of other purchases made under said acts: and with power to investigate the operations of the General Land Office and other matters relating to the John Gibson certificates and to make an appropriation therefor.

Section 1. Be it enacted by the Legislature of the State of Texas: That a Land Board shall be created to consist of three persons to be appointed by the Governor and the Governor and the Comptroller shall be ex-officio members of said board.

Sec. 2. It shall be the duty of the Land Board provided for in section one of this act to ascertain by investigation whether any illegal or

fraudulent purchases have been made by any person or persons of any of the land set apart for the benefit of the common school fund and authorized to be sold under an act approved July 8th 1879 and an act amendatory thereof approved April 6th 1881 in which the county or district surveyor or his deputy acting for him in the county in which any such land is situated, acted as agent for the purchaser in making the application to purchase or in which any one person has acquired or by application attempted to acquire illegally more lands than he was permitted by law to purchase by the use of names of persons other than his own or otherwise, or where any person has made an application or file without intending in good faith to take the usual steps required by law to perfect his title, and in cases where the purchase of said lands was not made in the real name of the person intending to be the actual purchaser and where the law has been evaded or violated in any other manner to the prejudice of the State or the school fund and in case they discover that any such illegal or fraudulent purchases have been made in violation of said acts of 1879 and 1881 in the manner aforesaid: and in case they should conclude that the interest of the common school fund will be subverted by the institution of suits to annul and set aside such purchase or purchases it shall be the duty of said board to notify the Attorney General of their conclusions and said officer shall thereupon institute suit in the name of the State against all persons who have made such illegal or fraudulent purchases and their vendee or vendees who may have bought with notice of the illegality or fraud in the purchase under the acts before mentioned.

Sec. 3. It shall be the duty of the board created by this act to investigate the condition of the General Land Office, and the manner in which said office is conducted and said board shall also investigate the condition of such district and county surveyors' offices in this State as they may think proper with a view of ascertaining what irregularities or violations of law may have been committed in any of said offices, and recommend and advise the Attorney General to take such action as may be deemed proper in the premises, and said board shall further investigate the history of the filing of the John Gibson certificates, also the proposed surrender of the same to the General Land Office, and to advise and direct such a course as may be deemed proper in relation thereto. And said board shall further investigate the history of the appraisement of the school land situated in Haskell county, and their approval by the Commissioners of the General Land Office and the manner in which the surveyor of said county was notified of such approval and the manner in which the books of the surveyor of said county are reported to have been opened in the city of Austin for the purpose of permitting parties to file on the same, and who filed on said lands before the notice of such approval was sent to the surveyor of said county as the law requires. And said board shall further investigate the General Land Office for the purpose of determining how many clerks and what officers in said office have within the past two years filed upon school lands and under whose advice and permission they made such files.

Sec. 4. In the prosecution of the investigation provided for in this act the board are authorized to send for persons and papers, to administer oaths and affirmations, to issue subpoenas and enforce attendance of witnesses, which subpoenas shall be executed by any officer now authorized by law to execute process and any witness appearing before said

empties into the Pecos river; thence down the Pecos river to the place of beginning.

Sec. 2. The expense of running and marking the new county lines thus to be created, shall be paid by the new county, and each person appointed to run and mark any line or lines of said county shall be allowed three dollars per mile for each mile run.

Sec. 3. That it shall be the duty of the county commissioners' court of Pecos county within sixty days after the enactment of this law to lay off and divide said new county into convenient precincts for the election of county officers and also to designate convenient places in the new county where elections shall be held, of all which they shall cause a record to be made by the clerk and a copy thereof shall be transmitted to the county judge of the new county when elected.

Sec. 4. That the county judge of Pecos county immediately thereafter do order an election of county officers in said new county and appoint the presiding officers and managers and clerks of election, as is prescribed by law in other cases. The election returns shall be made to the county judge of Pecos county who shall issue certificates to the persons elected and shall approve the bonds of such officers and shall administer to them the oath of office.

Sec. 5. That the new county shall pay a pro rata share of the existing debt of the county of Pecos and there shall be set apart so much of the county tax levied and collected upon the property situated in the portion so taken from the county of Pecos annually as shall be sufficient to speedily liquidate said existing debt or debts, if any.

Sec. 6. Whereas the end of this session is near at hand and an imperative public necessity exists for the creation as indicated above, of the county of Reeves, and an emergency that the constitutional rule requiring bills to be read on three several days should be suspended, therefore said rule is suspended and it is enacted that this act take effect and be in force from and after its passage.

Approved April 14, 1883.

Takes effect from passage.

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CHAPTER CIV.—An Act to create a Land Board with authority to investigate alleged land frauds and to authorize the institution of suits in the name of the State: to annul purchases in certain cases illegally and improperly made under an act to provide for the sale of alternate sections of land in organized counties as surveyed by railroad companies and other works of internal improvement and set apart for the benefit of the common school fund approved July 8th 1879 and an act amendatory thereof approved April 6th 1881 and to authorize the confirmation and validation of other purchases made under said acts: and with power to investigate the operations of the General Land Office and other matters relating to the John Gibson certificates and to make an appropriation therefor.

Section 1. Be it enacted by the Legislature of the State of Texas: That a Land Board shall be created to consist of three persons to be appointed by the Governor and the Governor and the Comptroller shall be ex-officio members of said board.

Sec. 2. It shall be the duty of the Land Board provided for in section one of this act to ascertain by investigation whether any illegal or

fraudulent purchases have been made by any person or persons of any of the land set apart for the benefit of the common school fund and authorized to be sold under an act approved July 8th 1879 and an act amendatory thereof approved April 6th 1881 in which the county or district surveyor or his deputy acting for him in the county in which any such land is situated, acted as agent for the purchaser in making the application to purchase or in which any one person has acquired or by application attempted to acquire illegally more lands than he was permitted by law to purchase by the use of names of persons other than his own or otherwise, or where any person has made an application or file without intending in good faith to take the usual steps required by law to perfect his title, and in cases where the purchase of said lands was not made in the real name of the person intending to be the actual purchaser and where the law has been evaded or violated in any other manner to the prejudice of the State or the school fund and in case they discover that any such illegal or fraudulent purchases have been made in violation of said acts of 1879 and 1881 in the manner aforesaid: and in case they should conclude that the interest of the common school fund will be subverted by the institution of suits to annul and set aside such purchase or purchases it shall be the duty of said board to notify the Attorney General of their conclusions and said officer shall thereupon institute suit in the name of the State against all persons who have made such illegal or fraudulent purchases and their vendee or vendees who may have bought with notice of the illegality or fraud in the purchase under the acts before mentioned.

Sec. 3. It shall be the duty of the board created by this act to investigate the condition of the General Land Office, and the manner in which said office is conducted and said board shall also investigate the condition of such district and county surveyors' offices in this State as they may think proper with a view of ascertaining what irregularities or violations of law may have been committed in any of said offices, and recommend and advise the Attorney General to take such action as may be deemed proper in the premises, and said board shall further investigate the history of the filing of the John Gibson certificates, also the proposed surrender of the same to the General Land Office, and to advise and direct such a course as may be deemed proper in relation thereto. And said board shall further investigate the history of the appraisement of the school land situated in Haskell county, and their approval by the Commissioners of the General Land Office and the manner in which the surveyor of said county was notified of such approval and the manner in which the books of the surveyor of said county are reported to have been opened in the city of Austin for the purpose of permitting parties to file on the same, and who filed on said lands before the notice of such approval was sent to the surveyor of said county as the law requires. And said board shall further investigate the General Land Office for the purpose of determining how many clerks and what officers in said office have within the past two years filed upon school lands and under whose advice and permission they made such files.

Sec. 4. In the prosecution of the investigation provided for in this act the board are authorized to send for persons and papers, to administer oaths and affirmations, to issue subpoenas and enforce attendance of witnesses, which subpoenas shall be executed by any officer now authorized by law to execute process and any witness appearing before said

board shall receive the same pay as witnesses in civil cases to be paid by the State.

Sec. 5. The board may delegate one of their number to go to different parts of the State to make investigations and to procure testimony and in such cases he shall be invested with the full powers of the board to procure such testimony and to enforce the attendance of witnesses.

Sec. 6. The suits provided for in this act shall be brought within twelve months from the time this act takes effect, in the county where the land is situated, or in the county to which such county where the land is situated is attached for judicial purposes, or in the county of the residence of the purchaser, or the person for whose benefit the purchases were made, as the State may elect; provided, that suits for the recovery of such lands against non-residents or corporations shall be brought in the district court of Travis county: and provided further, that in all cases where twenty-five sections or more of land in excess of the seven sections authorized by law to be purchased, have been purchased by or for the benefit of any one person or corporation, suits for the recovery thereof shall be brought in the district courts of Travis county.

Sec. 7. In all cases where files have been made prior to February 3, 1883 upon any of the land set apart for the benefit of the common school fund and authorized to be sold under the acts of 1879 and 1881, and the first payment on said land as provided by said acts has been made or a tender thereof made to the Treasurer and refused by him and the Commissioner of the General Land Office has failed or refused to file the application of the purchaser and issue his certificate as provided for in the seventh section of the act approved April 6th 1881 and to complete the sale of the land so applied for, if the State shall not bring suit to set aside and annul such purchase within twelve months from the time this act goes into effect, it shall be the duty of the Commissioner of the General Land Office to complete and perfect the sale of said land so purchased in accordance with the provisions of the above recited act of 1881.

Sec. 8. Each member of the board provided for by this act except the Governor and the Comptroller shall be paid at the rate of five dollars per day while actually engaged in the investigation provided by this act, provided, they shall not be paid for more than six months services and in case any member of the board shall have to travel to any point in the State to take evidence in any investigation provided for in this act in addition to his per diem of five dollars above provided for he shall receive five cents per mile for every mile traveled by him in going to the place where the investigation is prosecuted and five cents per mile in returning to the Capital, the amount of mileage to be verified by affidavit of the member who has performed the service.

Sec. 9. The Governor shall certify all claims and accounts arising under the provisions of this act to the Comptroller who shall issue his warrant therefor to be paid by the State Treasurer.

Sec. 10. No suit shall be instituted by the Attorney General under the provisions of this act unless it shall be advised and directed by at least three of the board created by this act.

Sec. 11. The word person as used in this act shall be construed to include any corporation firm or partnership as well as material persons.

Sec. 12. The sum of five thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated to carry into effect the provisions of this act to be expended under the direction of the board created by this act.

Sec. 13. Whereas the near approach of the close of this session of the Legislature creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days: therefore said rule is hereby suspended and this act shall take effect and be in force from and after its passage and it is so enacted.

Approved April 14, 1883.

Takes effect after passage.

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CHAPTER CV.—An Act to amend Articles 122, 129, 137, and 138 of An Act to adopt and establish the Revised Civil Statutes of the State of Texas, passed March 17th 1879, and to amend Articles 130 and 132 of the Revised Civil Statutes of the State of Texas as amended and approved April 17th 1879 and to add Article 130a.

Section 1. Be it enacted by the Legislature of the State of Texas: That Articles 122, 129, 130, 132, 136, 137 and 138 of the Revised Civil Statutes of the State of Texas, shall be amended as hereafter to read as follows:

Article 122. The Governor shall appoint for the Deaf and Dumb and the Blind Asylums a board of trustees for each consisting of five members each, who shall hold their terms of office as follows: Two shall hold their office for two years; two for four years, and one for six years, or until their successors are appointed and qualified, and whenever a vacancy occurs in said board, it shall be filled by the Governor, and the term of office of the person so appointed shall be for the unexpired term of the person whose place is made vacant. The appointment of said board shall be by and with the advice and consent of the Senate.

Article 129. On the first of January 1885 and every two years thereafter, the Board of Trustees shall report in writing to the Legislature the general operations of their respective asylums for the past two years, and accompany the same with such suggestions as they may deem important to the welfare of the institution.

Article 130. The board of trustees of each of said asylums respectively shall elect a superintendent of each of said asylums, who shall hold his office for the period of two years. Each of said superintendents shall have had special advantages and practical experience in the management of the persons committed to their charge by virtue of his appointment.

Article 130a. The members of each board of trustees shall be paid five dollars, each, per day, and mileage at the rate of five cents per mile in going to and returning from their respective asylums, for their services in attending the quarterly meetings provided for in Article 124; provided that no member shall draw pay for said quarterly meetings, unless he shall have actually attended said meeting; and provide further that no member can draw pay under this article for more than one day's attendance upon said quarterly meeting, and the certificate of the president of the board, approved by the superintendent, shall be sufficient evidence upon which the Comptroller can draw a warrant upon the Treasurer of the State, to pay the amount provided for in this article.

Article 132. The board of trustees of each of said asylums shall have power to remove the superintendent for good cause only.



Article 137. The board of trustees and the superintendent shall appoint an oculist for the Blind Asylum, who shall be skilled in his profession and a married man, and who shall attend regularly at the asylum and administer treatment to all cases of blindness among its pupils deemed curable.

Article 138. The oculist at the Blind Asylum shall hold his office for the period of two years and the board of managers and the superintendent may remove him for good cause only.

Sec. 2. It is further enacted that all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 3. The near approach of the close of the present session of the Legislature creates an imperative public necessity justifying the suspension of the constitutional rule, which requires that all bills be read on three several days; said rule is therefore suspended and an emergency exists that this act should take effect from and after its passage, and it is so enacted.

Approved April 14, 1883.

Takes effect from passage.

CHAPTER CVI.—An Act to amend the first section of an Act entitled “An Act for the relief of persons, firms or associations of persons who have procured license and complied with the law authorizing them to pursue the occupation of liquor dealers where they have been or may be prevented from pursuing such occupation, on account of the adoption of local option, and to make an appropriation therefor,” approved May 5th, 1882.

Section 1. Be it enacted by the Legislature of the State of Texas: That Section 1 of the above mentioned act be amended so as to hereafter read as follows:

Section 1. That in all cases where any person, firm or association of persons pursuing the occupation of liquor dealers under license issued in accordance with the laws of this State has been, or shall hereafter be prevented from pursuing such occupation for the full time to which he would be otherwise entitled by reason of the adoption of local option in any county, precinct, town or city, a proportionate amount of the taxes paid by him for the unexpired term shall be refunded to him.

Approved April 14, 1883.

Takes effect ninety days after adjournment.

CHAPTER CVII.—An Act to amend Article 2266, Chapter 4, Title 38, of the Revised Civil Statutes, changing the time of filing counter affidavits in cases where the action or defense is founded upon a sworn account.

Section 1. Be it enacted by the Legislature of the State of Texas, That Article 2266, Chapter 4, Title 38, of the Revised Civil Statutes, be so amended as to read as follows:

“Article 2266. When any action or defense is founded upon an open

account, supported by the affidavit of the party, his agent or attorney, taken before some officer authorized to administer oaths, to the effect that such account is, within the knowledge of affiant, just and true: that it is due, and that all just and lawful offsets, payments and credits have been allowed, the same shall be taken as prima facie evidence thereof, unless the party resisting such claim shall before an announcement of ready for trial in said cause, file a written denial, under oath, stating that such account is not just or true, in whole or in part, and if in part only, stating the items and particulars which are unjust: provided, that when such counter affidavit shall be filed on the day of trial, the party claiming under such verified account shall have the right to continue such cause until the next term of court: when he fails to file such affidavit he shall not be permitted to deny the account, or any item therein as the case may be."

Section 2. The near approach of the close of the session, the importance of this bill, and the improbability that it would be reached in the regular order of business, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended.

Approved April 14, 1883.

Takes effect ninety days after adjournment.

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CHAPTER CVIII.—An Act to amend Article 4684 of Title 95, Chapter 2, of the Revised Civil Statutes, providing for the manner of assessing bankers, brokers, dealers in exchange, etc.

Section 1. Be it enacted by the Legislature of the State of Texas, That Article 4684, of Title 95, Chapter 2, of the Revised Civil Statutes shall be so amended as to hereafter read as follows: to-wit:

Article 4684. Every bank, whether of issue or deposit, banker, broker, dealer in exchange, or stock jobber, shall, at the time fixed by this chapter for listing personal property, make out and furnish the assessor of taxes a sworn statement showing,

1st; If a national bank, the president, or some other officer of such bank, shall furnish to the assessor of the county, in which such bank is located, a list of the names of all the share holders of the stock, together with the number and amount of the shares of each shareholder of stock, in said bank; and the shareholders of the stocks in national banks shall render to the tax assessor of the county in which such bank is located the number of their shares, and the true and full value thereof. All shares of stocks in National banks not rendered to the assessor of taxes in the county where such bank is located within the time prescribed by law for listing property for taxes, shall be assessed by the assessor against the owner or owners thereof as unrendered property is assessed; but the tax roll shall show the name of the owner or owners thereof as per statement furnished by the president or other officer of said bank.

2nd; National banks shall render all other bonds and stocks of every kind (except United States bonds), and all shares of capital stocks, or joint stock or stocks of other companies or corporations held as an investment, or in any way representing assets, together with all other personal property belonging or pertaining to said bank, except such personal

property as is specially exempted from taxation by the laws of the United States.

3rd; National banks shall be required to render all of their real estate, as other real estate is rendered, and all the personal property of said National banks herein taxed shall be valued as other personal property is valued.

4th; All other banks, bankers, brokers or dealers in exchange, or stock jobbers, shall render their list in the manner following: 1st, the amount of money on hand, or in transit, or in the hands of other banks, bankers, brokers, or others subject to draft, whether the same be in or out of the State (except United States Treasury notes;) 2nd, the amount of bills receivable, discounted or purchased, and other credits due or to become due, including accounts receivable, interest accrued but not due, and interest due and unpaid; 3rd, from the aggregate amount of the items named in the 1st and 2nd of the last two subdivisions shall be deducted the amount of money on deposit; 4th, the amount of bonds and stocks of every kind (except United States bonds,) and all shares of capital stocks or joint stocks of other companies or corporations held as an investment, or in any way representing assets; 5th, all other property belonging or appertaining to said bank or business, including both personal property and real estate, shall be listed as other personal property and real estate.

Sec. 2. Whereas, the assessors are now assessing taxes for 1883, and, whereas, the present law defining how National and other banks shall be taxed is very defective, therefore an imperative public necessity exists, requiring the suspension of the constitutional rule, which requires bills to be read on three several days in each house, and the same is hereby suspended, and that this act take effect and be in force from and after its passage; and it is so enacted.

Approved April 14, 1883.

Takes effect from passage.

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## CHAPTER CIX.—An Act to authorize the council of certain cities and towns to appoint a board of school trustees.

Section 1. Be it enacted by the Legislature of the State of Texas, That the city council of every city or town of one thousand inhabitants or more, incorporated under the general law, that has or shall assume control of its public free schools, may appoint six persons of good moral character and qualified voters of such city or town, as a board of trustees for such schools of which board the mayor shall be ex officio chairman.

Sec. 2. A trustee so appointed shall serve without compensation and shall hold office for the term of three years, or until his successor is qualified, and an appointment to fill a vacancy shall be for the unexpired term only. But the terms of two of the trustees first appointed under this act, shall expire on the first Tuesday in April after their appointment, and two on the first Tuesday in April of each succeeding year.

Sec. 3. Before any trustee enters upon the discharge of the duties of his office, he shall swear that he will faithfully and impartially discharge the duties of such office and file such affidavit with the mayor.

Sec. 4. Said board of trustees may adopt such rules, regulations and by laws for their own government as they may deem proper.

Sec. 5. The public free schools of such city or town, shall be under the control and supervision of such board of trustees, and said board when appointed shall have the same power to control, manage and govern said schools that the city council or board of aldermen now have.

Sec. 6. The near approach of the close of the session, creates a public necessity and emergency demanding the suspension of the constitutional rule requiring a bill to be read on three several days, and such rule is hereby suspended.

Approved April 14, 1883.

Takes effect ninety days after adjournment.

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CHAPTER CX.—An Act to amend Title 32, Chapter 17, of the Revised Statutes of the State of Texas by adding thereto Articles 1639a and 1639b.

Section 1. Be it enacted by the Legislature of the State of Texas: That Title 32, Chapter 17, of the Revised Civil Statutes of the State of Texas be amended by adding thereto Articles 1639a and 1639b to read as follows, to wit:

Article 1639a. Where the appellant is unable to pay the costs of appeal, or to give security therefor, he shall nevertheless be entitled to prosecute his appeal; but, in order to do so, he shall be required to make strict proof of his inability to pay the costs, or any part thereof. Such proof shall be made before the county judge of the county where such party resides, or before the court trying the same, and shall consist of the affidavit of said party, stating his inability to pay the costs, which affidavit may be contested by any officer of the court, or party to the suit; whereupon it shall be the duty of the court trying the case, if in session, or the county judge of the county, in which suit is pending, to hear evidence, and to determine the right of the party to his appeal.

Art. 1639b. When the bond, or the affidavit in lieu thereof, provided for in the two preceding articles, has been filed, and the previous requirements of this chapter have been complied with, the appeal shall be held to be perfected.

Approved April 14, 1883.

Takes effect ninety days after adjournment.

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CHAPTER CXI.—An Act authorizing the refunding from the State Treasury from deposits made to special funds to parties who may have paid the same in error, and who may have received no consideration therefor.

Whereas it appears that sundry payments have been made into the State treasury on public domain, and other classes of lands, for which, because of conflicts, erroneous surveys and other causes, the Commissioner of the General Land Office cannot issue patents, and the parties cannot

receive proper consideration for such payments, and will lose their moneys: therefore

Section 1. Be it enacted by the Legislature of the State of Texas: That upon proper proof being made to the Comptroller that deposits have been made to any special funds of moneys paid by parties for which deposits and payments, no patents for lands can be issued for which such payment may have been or may hereafter be made, the Comptroller is authorized to issue his warrant in favor of such parties, for such amount, as may be found to be due: provided, that this act shall not apply to surveys, the errors in which may be corrected.

Sec. 2. The near approach of the close of the present session of the Legislature creates an imperative public necessity and emergency for the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved April 14, 1883.

Takes effect from passage.

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CHAPTER CXII.—An Act to amend Section 10 of An Act to organize the 12th, 16th, 17th, 29th, 34th, and 35th judicial districts and to fix the time of holding the courts therein, to change the time for holding the district courts in the 7th and 14th judicial districts and in counties of Kaufman, Sabine, San Augustine and Nacogdoches, and to provide a district attorney in the 16th judicial district, approved March 27th, 1883.

Section 1. Be it enacted by the Legislature of the State of Texas: That Section 10 of the above recited act shall be so amended that the same shall hereafter read as follows:

Section 10. The sixteenth judicial district shall be composed of the counties of Williamson and Travis and the district courts shall be held therein as follows: In the county of Williamson on the first Mondays in July and January of each year and may continue in session six weeks; and in the county of Travis on the first Monday in March and October of each year and may continue in session for the March term sixteen weeks, and for the October term twelve weeks and that this act take effect and be in force from and after the first Monday in August 1883.

Sec. 2. The near approach of the end of this session of the Legislature creates an imperative necessity that the rule requiring bills to be read on three several days be suspended as to this act and said rule is suspended.

Approved April 14, 1883.

Takes effect first Monday in August 1883.

CHAPTER CXIII.—An Act to amend Article 430, of Section 1, and to repeal Section 2 of an Act entitled "An Act to amend Articles 423, 424, 425, 426, 427, 428, 429 and 430a, and to create Article 426½, and to repeal Article 430, of Chapter 5, Title 13, of the Penal Code of the Revised Statutes, for the protection of fish and game," approved March 15th, 1881.

Section 1. Be it enacted by the Legislature of the State of Texas, That Article 430, of Section 1, of an act entitled "An Act to amend articles 423, 424, 425, 426, 427, 428, 429 and 430a, and to create Article 426½, and to repeal Article 430, of Chapter 5, Title 13, of the Penal Code of the Revised Statutes, for the protection of fish and game," approved March 15th, 1881, be amended so as to read as follows:

Article 430. That the following counties are hereby exempted from the provisions of articles 426, 426½, 427, 428 and 429 of this chapter, to-wit: Nacogdoches, Hood, Bosque, Somervell, Lampasas, Sabine, San Augustine, Shelby, Titus, Franklin, Delta, Red River, Hunt, Henderson, Rains, Wood, Coryell, Hamilton, Brown, Coleman, Runnels, Johnson, Cooke, Morris, Rusk, Panola, Grayson, Leon, Wise, Montague, Clay, Parker, Tarrant, Jack, and the unorganized counties attached to the same for judicial purposes; Ellis, Anderson, Tom Green, Hill, Freestone, Cherokee, Bowie, Stephens, Eastland, Erath, Comanche, Palo Pinto, Madison, Austin, Hopkins, Throckmorton, Shackelford, Callahan, Taylor, Jones, Nolan, Mitchell, Haskell, Stonewall, Kent, Garza, Lynn, Terry, Yoakum, Gaines, Dawson, Borden, Scurry, Fisher, Howard, Martin, Andrews, Archer, Wichita, Baylor, Wheeler, Oldham, Knox, King, Dickens, Crosby, Lubbock, Hockley, Cochran, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Wilbarger, Childress, Hall, Briscoe, Swisher, Castro, Parmer, Greer, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Gray, Carson, Potter, Hutchinson, Hartley, Moore, Roberts, Hemphill, Lipscomb, Ochiltree, Hansford, Sherman, Hardeman, Dallam, Smith, Upshur, Cass, El Paso, Presidio, Pecos, Polk, San Jacinto, Camp, Frio, Dimmit, Maverick, Kinney, Cameron, and the unorganized county of Zavalla; provided, that the exemptions from the operations of this law shall not apply to article 425, and provided, that the counties of Fort Bend, Grimes, Angelina, Van Zandt, Walker, Trinity, Parker, Jack, and Young are hereby exempted from articles 425, 426, 426½, 427, 428 and 429; and provided, that the county of Houston is hereby exempted from the provisions of articles 426, 426½, 427, and 429 of this act; and provided, that the counties of Lamar, Fannin and Hopkins are hereby exempted from the provisions of articles 426 and 426½; and provided, that the county of Lee is hereby exempted from the provisions of articles 426 and 429; and provided, that the counties of Bastrop and Brazoria, are hereby exempted from the provisions of article 429; and provided, that the county of Dallas is hereby exempted from the provisions of articles 428 and 429; and provided, that the county of Kaufman is hereby exempted from the provisions of articles 428 and 429; and provided, that the county of Marion is hereby exempted from the provisions of articles 426, 426½, 427, 428, and 429; and provided, that the county of Gonzales is hereby exempted from the provisions of articles 426, 426½, 427, and 428; and provided, that the county of Rockwall is hereby exempted from the provisions of articles 425 and 427.

Sec. 2. That section 2 of said act be and the same is hereby repealed.

Sec. 3. The near approach of the close of the session, and the best interests of the State create an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Approved April 18, 1883.

Takes effect ninety days after adjournment.

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CHAPTER CXIV.—An Act to provide for the more efficient management of the Texas State Penitentiaries, and to make an appropriation therefor.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Penitentiary Board shall hereafter consist of the Governor and two Commissioners of State Penitentiaries, to be appointed by the Governor, with the advice and consent of the Senate; provided, the first appointment, after this act goes into effect, may be made without confirmation by the Senate. Said commissioners shall hold their office for two years and until the appointment and qualification of their successors: and in case of a vacancy in said office the same shall be filled by executive appointment for the unexpired term. Said commissioners shall each receive five dollars per day while in attendance on the meetings of the board, and their actual traveling expenses. Two members thereof shall constitute a quorum for the transaction of business.

Sec. 2. It shall be the duty of the Comptroller of Public Accounts to draw his warrant on the Treasurer for all sums due by the State, on account of the penitentiaries, upon the certificate of the Superintendent of Penitentiaries, approved by the Penitentiary Board; provided, that the Penitentiary Board may make monthly estimates of the expenses of the penitentiaries; in which case the Comptroller shall issue his warrant for such amount in favor of said Superintendent, and he shall file with the Comptroller at the end of the month for which such estimate is made, vouchers for all payments made out of such amount; provided further, that the Penitentiary Board shall appoint a financial agent for the penitentiaries; and, in that event, said financial agent shall exercise the powers and perform the duties prescribed in this section, for the Superintendent of Penitentiaries, and said financial agent shall receive such compensation, not to exceed three thousand dollars per annum, and discharge such other duties as may be prescribed by said board.

Sec. 3. No lease of the penitentiaries, or either of them, shall hereafter be made, and the State shall resume control thereof; and, for the purpose of resuming control of the penitentiaries and operating the convicts on State account, or by contract, or partly by one mode, and partly by the other, as the board herein provided for, or the Legislature may determine.

Sec. 4. It shall be the duty of the Penitentiary Board to confine all convicts within the walls of the penitentiaries as soon as suitable prisons can be provided for their confinement and employment in such manner that they will be self-supporting: and, until adequate provision is made

for such confinement and employment of the convicts, they may be employed as provided in Section 3 of this act; provided, that convicts shall not be employed on any public works other than building a reformatory, or other penitentiaries, nor at any mechanical labor outside of the walls, in any city or town; provided further, that the Penitentiary Board may at any time, if they deem it advisable, purchase a penitentiary farm or farms, upon which all convicts, not self-supporting, may be worked by the State.

Sec. 5. The superintendent of penitentiaries, before entering upon the duties of his office, shall execute a bond for twenty thousand dollars, payable to the Governor and his successors in office, to be approved by the Penitentiary Board, conditioned for the faithful performance of the duties of his office; and the Penitentiary Board may, when in their judgment the public interest will be promoted thereby, require any of the subordinate officers of the penitentiary to give bond in such amount and with such conditions as may be prescribed by the board: provided, that the superintendent of penitentiaries in office, when this act shall take effect, shall have sixty days after said date in which to give bond as required in this section.

Sec. 6. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 7. The near approach of the end of the session, and the great number of bills requiring attention, creates an emergency, and an imperative public necessity exists for the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage; and it is so enacted.

Approved April 18, 1883.

Takes effect after passage.

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CHAPTER CXV.—An Act to provide for the payment of the expenses of attached witnesses in felony cases.

Section 1. Be it enacted by the Legislature of the State of Texas: That any witness who may have been recognized, or attached and given bond for his appearance before any court out of the county of his residence, to give testimony in a felony case and who shall appear in compliance with the obligations of such recognizance or bond, shall be allowed his actual traveling expenses, not exceeding three cents per mile going to and returning from the court by the nearest practicable conveyance and one dollar per day for each day he may be necessarily absent from home as a witness in such case.

Sec. 2. Witness fees shall be allowed to such State witnesses only as the district or county attorney shall state in writing are material for the State, and to witnesses for the defendant after he has made affidavit that the testimony of the witness is material to his defense, stating the facts which are expected to be proved by the witness, which certificate and affidavit must be made at the time of procuring the attachment for, or taking the recognizance of the witness; provided that the judge to whom an application for attachment is made may in his discretion grant or refuse such application when presented in term time. No attachment



shall be issued in a felony case, until the State's attorney shall have first made the statement in writing, or the defendant shall have made the affidavit, which will authorize the payment of the witness to be attached.

Sec. 3. Before the close of each term of the district court the witness shall make affidavit in writing stating the number of miles he will have traveled going to and returning from the court by the nearest practicable conveyance, and the number of days he will have been necessarily absent going to and returning from the place of trial, which affidavit shall be filed with the papers of the case; provided no witness shall receive pay for his services as a witness in more than one case at any one term of the court; provided further, that fees shall not be allowed to more than two witnesses to the same fact, unless the judge of the court before whom the cause is tried shall after such case shall have been disposed of, certify that such witnesses claiming fees as herein provided were necessary in the cause, nor shall any witness recognized or attached for the purpose of proving the general character of the defendant be entitled to the benefits hereof.

Sec. 4. It shall be the duty of the district or criminal judge when any such bill is presented to him, to examine the same carefully and to inquire into the correctness thereof, and to approve the same in whole or in part, or to disapprove the entire bill, as the facts and law may require and said bill with the action of the judge thereon shall be entered on the minutes of said court; and immediately on the rising of said court, it shall be the duty of the clerk thereof, to make a certified copy from the minutes of said court, of said bill, and the action of the judge thereon, and transmit the same by mail in registered letter to the Comptroller of Public accounts for which service the clerk shall be entitled to a fee of twenty-five cents to be paid by the witness.

Sec. 5. It shall be the duty of the Comptroller, upon the receipt of such claim and said certified copy of the minutes of said court, to carefully examine the same, and if correct to draw his warrant on the State Treasurer for the amount due, and in favor of the witness entitled to the same; provided, if the appropriation for paying such accounts is exhausted, the Comptroller shall file the same away if correct, and issue a certificate in the name of the witness entitled to the same, stating therein the amount of the claim; and all such claims or accounts, not transmitted to, or placed on file in the office of the Comptroller of Public Accounts, within twelve months from the date of the final disposition of the case in which the witness was attached or recognized to testify shall be forever barred; and all laws and parts of laws in conflict with the provisions of this bill are hereby repealed.

Approved April 23, 1883.

Takes effect ninety days after adjournment.

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CHAPTER CXVI.—An Act making an appropriation for the support of the State Government, for the years beginning March 1, 1883, and ending February 28, 1885.

Section 1. Be it enacted by the Legislature of the State of Texas: That the following sums of money, or so much thereof as may be neces-

sary, be and the same are hereby appropriated out of any moneys in the Treasury not otherwise appropriated, for the support of the State Government for the years beginning March 1, 1883, and ending February 28, 1885.

**Executive Office.**

	Year ending Feb'y 29, 1884	Year ending Feb'y 28, 1885
For salary of Governor.....	\$4000	\$4000
Salary of Private Secretary.....	1500	1500
Salary of clerk.....	900	900
Books and stationery.....	300	300
Telegraphing .....	600	600
Postage .....	200	200
Porter hire, Executive Office.....	500	500
Labor to keep Executive mansion grounds in order, and other contingent expenses for same.....	600	600
For wood, lights, etc.....	200	200
Gas for mansion.....	250	250
Payment of rewards, and for paying attorneys for prosecuting offenders against the laws of this State; for representing the State in civil causes, and for necessary expenses of such civil suits, to be under control and paid upon warrants issued on certificates of the Governor.....	15000	15000
Furniture and contingents for the Executive Of- fice .....	300	
Keeping Governor's mansion in repair, and tele- phone .....	500	500
Sewerage for Executive mansion, to connect with proposed sewerage for temporary capitol.....	1200	

**State Department.**

For salary of Secretary of State.....	2000	2000
Salary of Chief Clerk.....	1800	1800
For salary of two assistant clerks.....	2400	2400
Salary of extra clerks to prepare laws of Eigh- teenth Legislature for publication.....	300	
Freight, express and postage.....	1700	1700
Books and stationery.....	400	400
Lights and wood.....	125	125
Contingent expenses.....	100	100
Porter hire, State department.....	360	360
Furniture, files, file boxes, etc.....	250	
Salary of expert and clerk of the printing board..	1500	1500
Public printing.....	25000	25000
For completing the transcribing of the Executive Record of the administration of Governor Sam Houston, or so much thereof as may be necessary.	250	
To pay for advertising and submitting constitu- tional amendments, or so much thereof as may be necessary.....	20000	
For salary of State Engineer for the management of railroads .....	3000	3000

	Year ending Feb'y 29, 1884	Year ending Feb'y 28, 1885
For salary of State Engineer's secretary.....	\$1500	\$1500
For other expenses incident to the Railroad Engineer's department.....	1000	1000

### Treasury Department.

For salary of Treasurer.....	2500	2500
Salary of Chief Clerk.....	2000	2000
Salary of book-keeper.....	1500	1500
Salary of two book-keepers, land department.....	3000	3000
Salary of one assistant book-keeper, land department .....	1200	1200
Salary of three additional clerks.....	3600	3600
Salary of three watchmen for Treasurer's and Comptroller's department.....	2100	2100
Salary of porter and messenger.....	600	600
To construct one additional vault, to contain silver coin .....	1000	
Books and stationery.....	400	400
Wood and lights.....	150	150
Postage .....	300	300
Contingent .....	100	100
Desks, cases, etc.....	100	100
Keeping in repair time locks and combinations....	50	50
Additional appropriation for clerical help in land department, to be used when the condition of the office requires it.....	2500	2500

### Comptroller's Office.

For salary of Comptroller.....	2500	2500
Salary of Chief Clerk.....	2000	2000
Salary of correspondence clerk.....	1500	1500
Salary of one auditing clerk.....	1500	1500
Salary of one book-keeper.....	1800	1800
Salary of one receiving clerk.....	1800	1800
Salary of one deposit warrant clerk.....	1500	1500
Salary of one tax clerk.....	1800	1800
Salary of one tax sales clerk.....	1500	1500
Salary of one back tax clerk.....	1500	1500
Salary of redemption clerk .....	1500	1500
Salary of one examining clerk.....	1500	1500
Salary of one warrant clerk.....	1800	1800
Salary of ten first assistant clerks.....	14000	14000
Salary of six second assistant clerks.....	7200	7200
Salary of assistant clerks, at an average of \$75 per month .....	10800	10800
Wood .....	250	250
For telegraphing, postage for correspondence and assessment rolls .....	3000	3000
Books, stationery, and binding rolls, and contingent expenses .....	2000	2000

	Year ending Feb'y 20, 1894	Year ending Feb'y 28, 1893
Porter and messenger hire.....	\$400	\$400

General Land Office.

For salary of Commissioner.....	2500	2500
Salary of Chief Clerk.....	2000	2000
Salary of Spanish clerk.....	1800	1800
Salary of receiving clerk.....	2000	2000
Salary of examining clerk.....	1500	1500
Salary of calculator.....	1500	1500
Salary of first assistant clerk.....	1500	1500
Salary of two filing clerks.....	2400	2400
Salary of two corresponding clerks.....	3000	3000
Salary of first patenting clerk.....	1500	1500
Salary of fourteen assistant clerks.....	16800	16800
Salary of chief draftsman.....	1800	1800
Salary of twelve compiling draftsmen.....	18000	18000
Salary of one draftsman for compiling county maps	1500	1500
Salary of one abstract clerk.....	1500	1500
One corresponding clerk for school land.....	1500	1500
One book-keeper.....	1500	1500
One assistant book-keeper.....	1200	1200
For one additional clerk.....	1000	1000

(The above appropriation to be used only in case no land bureau or board is created by the Legislature.)

Salary of one night watchman.....	600	600
Salary of one porter.....	360	360
Stationery, books and furniture.....	3000	3000
Postage.....	900	900
Wood.....	250	250
Contingent expenses.....	100	100
Lithographic maps.....	2000	2000
Making fire-proof ceiling and repairs in General Land Office, including \$6000, heretofore appro- priated.....	7000	7000
Telephone.....	60	60

Department of Insurance, etc.

For salary of Commissioner.....	2000	2000
Salary of Chief Clerk and Librarian.....	1800	1800
Salary of assistant clerk.....	1500	1500
Salary of one assistant clerk.....	1000	1000
Porter hire.....	300	300
Office furniture.....	500	
Stationery, postage, printing, fuel, lights, expres- sage and binding books for public library.....	600	600
Purchasing books for public library.....	2000	2000
The purchase of one hundred and sixty sets of the ten volumes of the Southern Historical Society		

	Year ending Feb'y 22, 1884	Year ending Feb'y 22, 1885
papers, to be distributed by the Commissioner of Insurance Statistics and History, one set to each organized county, and the other to public libraries of the various State institutions.....	\$5000	
Subscriptions for newspapers for public library, and binding same .....	200	\$200
Two night watchmen for Capitol grounds and buildings .....	1200	1200
Labor upon public grounds, and taking care of public buildings, shrubbery within the Capitol enclosure and State Cemetery.....	600	600
Procuring and transporting to Washington City, a stone from a Texas quarry, appropriately inscribed and contributed to the Washington Monument in the name of the State of Texas, by Commissioner of Insurance, Statistics and History..	100	
Dissemination of statistical information in the various States, and in foreign countries in regard to climate, soil and resources of Texas, to be applied to books already published, as well as those now being published .....	2500	2500

## Commissioner of Fish.

For salary of Commissioner.....	1500	1500
Water supply for fish ponds.....	500	500
Hire of competent assistants.....	1200	1200
Hire of laborers .....	300	300
Traveling expenses .....	300	300
Stationery, postage and telegrams.....	100	100
Construction of additional fish ponds and purchase of land, to be approved by the Governor.....	1000	
Propagation and distribution of fish.....	700	700
Incidental expenses .....	100	100

## Adjutant General.

For salary of Adjutant General.....	2000	2000
Salary of Chief Clerk.....	1200	1200
For stationery, postage and telegraph.....	200	200
Handling and transportation of arms ammunition, etc. ....	500	500
Repairs of arms .....	150	150
Porter hire (this porter does service for Adjutant General and Board of Education).....	300	300
Fuel and incidental expenses.....	200	200
The protection of the frontier and suppression of lawlessness and crime .....	75000	75000
Adjutant General's expenses as inspector of arms and troops .....	300	300
To pay for services of militia companies in case they are called into actual service under the law,		

	Year ending Feb'y 29, 1884	Year ending Feb'y 28, 1885
payment to be made by the Governor.....	\$1000	\$1000

**Attorney General.**

For salary of Attorney General.....	2000	2000
Salary of Assistant Attorney General.....	2000	2000
Salary of Chief Clerk.....	1800	1800
Salary of other law clerk.....	1500	1500
Attorney General's fees in felony cases.....	1500	1500
Traveling expenses of Assistant Attorney General.....	1000	1000
Stationery .....	200	200
Postage .....	300	300
Telegraphing .....	100	100
Contingent expenses .....	100	100
Fuel and lights.....	100	100
Furniture for office and for repairs.....	110	110
Purchasing law books and current law literature...	500	500
Payment of costs, depositions, etc.....	300	300
Pay of porter, to act as messenger.....	300	300

**Judicial Department.**

**Supreme Court.**

For salary of three judges.....	10650	10650
Furniture for judges and court room.....	800	300
Postage and contingent .....	750	750
Books and stationery .....	600	600
Fuel and lights .....	500	500
Porter hire .....	450	450
Sheriffs attendance .....	300	300
Clerk Supreme Court at Austin, ex officio librarian	750	750
Clerk Supreme Court at Tyler, ex officio librarian.	300	300
Clerk Supreme Court at Galveston, ex officio lib- rarian .....	300	300
Pigeon hole cases and boxes in court room tempo- rary capital, to hold over 9500 transcripts now on hand .....	550	
Iron safe for record books, including the \$200 here- tofore appropriated .....	425	
Books and shelving for Supreme Court library....	2000	1200
Pay of costs in Supreme Court in civil cases, in which said costs are adjudged against the State	100	100

**Court of Appeals.**

For salary of three judges.....	10650	10650
Pay of clerk's fees, criminal costs.....	4000	4000
Pay of sheriffs or bailiffs attendance on court....	300	300
Postage and contingent expenses.....	600	600
Fuel and lights .....	500	500
Porter hire .....	450	450

	Year ending Feb'y 29, 1884	Year ending Feb'y 28, 1885
Law books to be selected by the presiding judge..	\$500	\$500
Record books, stationery and furniture.....	1000	700
Purchase of one large iron safe.....	300	
For pay of costs in civil cases when adjudged against the State .....	100	100

## Commissioners of Appeals.

For salary of three judges.....	10650	10650
Furniture for judges and court room.....	400	
Postage and contingent .....	500	500
Fuel and lights .....	250	250
Porter hire .....	300	300

## General Expenses Judicial Department.

For the payment of fees and costs of sheriffs, clerks, district and county attorneys in felony cases....	210000	210000
Pay of thirty-eight district judges.....	95000	95000
Salary of judge of criminal district court, Galves- tan and Houston .....	2500	2500
Salary of district attorneys.....	12000	12000
Salary of district attorney, criminal district courts of Harris and Galveston counties.....	500	500
Salary of special district judges.....	5000	5000
Publishing Supreme Court reports.....	8000	8000
Publishing Court of Appeals reports.....	8000	8000
To reimburse the appellant and his bondsmen in the "Mercer Colony Case" in the event said bond has to be paid, on warrant of the Governor.....	2000	

## Deaf and Dumb Asylum.

For pay of Superintendent.....	2000	2000
Pay of Principal.....	1000	1000
Pay of articulation teacher.....	900	900
Pay of second teacher.....	600	600
Pay of five additional teachers.....	2400	
Pay of six additional teachers.....		2880
Pay of steward and secretary.....	600	600
Pay of matron .....	420	420
Pay of assistant matron.....	360	360
Pay of night watchman.....	360	360
Pay of farmer and gardner.....	300	300
Pay of assistant farmer and gardner and dairy- man .....	240	240
Pay of three washers and ironers.....	540	
Pay of four washers and ironers.....		720
Pay of chief cook.....	240	240
Pay of assistant cook.....	216	216
Pay of laborers .....	180	216

	Year ending Feb'y 29, 1884	Year ending Feb'y 28, 1885
Pay of monitor of boys.....	\$120	\$120
Pay of monitress of girls.....	120	120
Pay of expert in printing.....	1000	1000
Pay of expert in book binding.....	750	750
Pay of expert in shoemaking.....	600	600
Supplies of provisions, etc.....	16000	18000
Replacing unserviceable bedding, stoves, farming implements, etc. ....	2000	
Finishing building, as set forth in plan of architect in exhibit .....	59046	
Replacing old, worn out unserviceable fence, etc..	2750	
Purchase clothing for indigent pupils.....	500	500
Furnishing new building when completed.....	3000	
Purchasing tract of about twenty-five acres adjoin- ing the present tract .....	2000	
Rebuilding stable recently destroyed by fire.....	500	

Lunatic Asylum.

For salary of Superintendent.....	2000	2000
Salary of assistant physician.....	1500	1500
Salary of second assistant physician.....	750	1000
Salary of apothecary .....	450	600
For salary of book-keeper.....	600	600
Salary of steward.....	900	900
Salary of matron .....	400	400
Salary of assistant matron.....	270	360
Salary of male and female attendants.....	8530	9600
Salary of seven seamstresses.....	1680	1680
Salary of seven laundresses.....	1680	1680
Salary of four watchmen.....	1440	1440
Salary of one gardener.....	360	360
Salary of one scavenger.....	200	200
Salary of one chief cook.....	360	360
Salary of three assistant cooks.....	660	720
Salary of one carpenter.....	360	360
Salary of one baker.....	480	480
Salary of three farm laborers.....	550	600
Salary of one engineer.....	750	1000
Salary of two firemen.....	360	480
Medical stores .....	1500	1800
Dry goods, bedding and clothing.....	8500	9400
Groceries, provisions and wood.....	80000	96000
Forage .....	1400	1400
Repairs and fencing.....	5000	
Transportation of patients .....	2000	2000
Contingent expenses .....	600	600
One male supervisor .....	420	420
One female supervisor .....	360	360

Institution for the Blind.

For salary of superintendent .....	2000	2000
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	Year ending Feby 22, 1884	Year ending Feby 22, 1885
Salaries of school, music and shop teachers.....	\$6000	\$7000
Salary of matron and nurse.....	400	400
Salary of assistant matron and nurse.....	300	300
Salary of teacher of sewing and seamstress.....	300	300
Salary of oculist .....	600	600
Salary of cook and assistants.....	500	600
Salary of three laundresses.....	500	600
Night watchman .....	360	360
Groceries, provisions and miscellaneous.....	16000	18000
Purchase of clothing for indigent pupils.....	500	500
Repair fund .....	1500	1500
Book-keeper and steward.....	500	500
Transportation and miscellaneous expenses for in- digent pupils .....	600	1000
Sewerage .....	600	
One pipe organ .....	2000	
Fixing fire hydrant and pipe.....	2000	
To pay for heating apparatus including the sum of \$2500 appropriated, which was not expended.	3500	

**To Pay Veterans Under Special Acts Granting  
Them Pensions.**

To I. N. Alsbury.....	100	100
Dillard Cooper .....	250	250
R. M. Davis .....	100	100
John Day .....	100	100
J. E. Field.....	200	200
J. W. Nichols .....	100	100
H. M. Smith .....	250	250
J. B. Thacher .....	100	100
D. T. Webb .....	100	100
Mrs. S. L. Cole, widow of David Cole.....	100	100

**Department of Education.**

**Public Schools.**

For salary of Secretary Board of Education.....	2000	2000
For support of Sam Houston Normal School for fiscal year ending Aug. 11, 1885.....	18000	18000
(Above to be paid out of general revenue.)		
For payment of teachers to be employed by the State Board of Education for the purpose of teaching a summer normal school in each Sena- torial district for white, and each Congressional district for colored teachers.....	6000	6000
Purchase of philosophical, physiological and astro- nomical apparatus, for Sam Houston Normal In- stitute to be paid out of general revenue.....	1500	1500
Purchase of library for Sam Houston Normal In- stitute, to be paid out of general revenue.....	1000	1000
Support of the public free schools for the years		

Year ending Feb'y 29, 1884    Year ending Feb'y 28, 1885

ending Aug. 31, 1884 and 1885, the one dollar poll tax levied for school purposes, and one-fourth of all the general revenues that may be collected, exclusive of cost of collection; and all the interest on the permanent school fund including bonds and other interest bearing indebtedness now or hereafter belonging to said permanent school fund.

State University.

For support, establishment and maintenance of the State University, erection of buildings and purchase of all accessories necessary, to be under control of the Board of Regents, all the available University fund on hand or accruing, as far as may be necessary, in the judgment of the regents for both years, except such sums as are herein otherwise appropriated.

For surveying and designating one million acres of land for the State University, and one million acres of land for the permanent School fund, the land to be selected and surveyed under the direction of the Commissioner of the General Land Office, the expenses to be paid on his warrant upon the State Treasurer, one half to be paid out of the available University fund, and one half to be paid out of the available School fund.....

\$5000

A. and M. College.

For the support and maintenance of the Agricultural and Mechanical College, to be expended as follows:

For the year 1883, out of the general revenue....

30000

For the year 1884, out of the university fund.....

\$10000

Prairie View Normal School.

For support of Prairie View Normal School, for the years ending August 31, 1884 and August 31, 1885, inclusive of the amount appropriated by act of April 19, 1879, entitled "An Act to provide for the organization and support of a normal school at Prairie View (formerly called Alta Vista), in Waller county, for the preparation of colored teachers .....

7500

7500

Building school room out of the general revenue..

800

Recovering dormitory male department.....

500

Recitation and reception room 40x30.....

2000

Library apparatus, etc.....

500

	Year ending Feb'y 29, 1884	Year ending Feb'y 28, 1885
Lamps, stores, etc.....	\$300	
Wagon, two horses and harness.....	300	
Enlarging and furnishing laundry.....	500	
Furniture for new house.....	200	
Fencing pasture and farm .....	500	
(Out of general revenue.)		
Extra allowance to increase facilities for the accommodation and preparation of colored teachers to be expended under the direction of the Board of Directors of the A. and M. College.		
For year ending February 29th 1884.....	2500	
For year ending February 28th 1885.....		\$2500

## Quarantine.

For pay of Health Officer and miscellaneous purposes, and to meet contingencies that cannot be classified .....	35000	35000
Building and equipment of quarantine stations...	10000	10000
Purchase of steam tug for quarantine purposes...	15000	

## Penitentiary.

For conveying prisoners from counties where convicted to penitentiary under contract.....	30000	30000
Purchase of library for Rusk Penitentiary.....	500	
To enable Penitentiary Board to settle with lessees in case of resumption.....	50000	
To enable the State to resume control of the penitentiaries, and to operate them on State account, or by contract, and to confine as many convicts as practicable within the walls, all the proceeds of the penitentiaries and \$50,000 out of the general revenue for each year, ending respectively, February 29, 1884, and February 28, 1885.....	50000	50000
Approved April 16th, 1883.		

## Payment of Public Debt.

## I. Unmatured Bonds.

For annual interest on State bonds now outstanding .....	244,062	20
Annual sinking fund .....	80,754	60

## II. Matured Bonds.

For principal on five per cent State bonds belonging to the University fund, issued in 1866 for money borrowed from University fund, now matured and due .....	134,472	26
Interest due and unpaid on said bonds, belonging to the University fund as follows: Interest before adoption of Constitution of 1876, belonging to permanent University fund .....	62,473	58

Year ending Feb'y 23, 1884    Year ending Feb'y 23, 1885

Interest from 1876 to 1883, belonging to available University fund (\$45,104.57) to be paid out of that half of the proceeds of the sale of the public lands not belonging to the common School fund, as provided by Act of February 23, 1883..\$45,104 57

Principal and interest of bonds due common School fund, as validated by an act passed at this session of the Eighteen Legislature, entitled "An Act to provide for the payment of certain debts of the State, out of that half of the proceeds of the sale of public lands not belonging to the common School fund," to be paid out of the fund provided by said Act, viz: { Principal .....402,535 95  
Interest .....179,588 09

Capitol Building Commission.

For salary of Commissioners.....	3600	\$3600
Salary of Superintendent .....	2500	2500
Salary of Secretary .....	1800	1800
Constructing an office on Capitol grounds for Commissioners, Superintendent and Secretary, one room to contain a vault for plans, records, etc .	1000	
Furniture for office .....	150	
Books, stationery and postage.....	300	300
Fuel and lights .....	100	100
Compensation of designing architect and contingent expenses in connection with the building of the new capitol, the amount of each expenditure to be determined by the Governor, and paid on his order .....	2000	2000

Miscellaneous.

Pay for stands, pipes and fixtures for temporary capitol, amount due water-works company.....	726 05
Purchase of the Alamo church lot and building, to be paid on order of the Governor when perfect title is duly executed to the State of Texas, therefor, to be approved by the Governor.....	20000
Purchase and erection of monument, over the graves of the veterans who fell at Goliad.....	1500
Purchase and erection of monument over the graves of the veterans who fell at Refugio.....	1000
Purchase of the ground where the graves of the fallen heroes of the battle of San Jacinto are now situated .....	1500
For the erection of a monument over the graves of the Dawson heroes .....	1000

The four last named appropriations to be expended under the direction and upon the vouchers of the county judges and treasurers of the several

	Year ending Feb'y 29, 1884	Year ending Feb'y 28, 1883
counties where the same are intended to apply.		
Drainage for Temporary Capitol.....	\$150	
Tile foundation drain, 1260 three inch tiles, laying same and replacing surface drain at 3c.....	139 80	
Additional length of waste pipe.....	10	
757½ square yards of cement pavement at \$2 per yard .....	1514 66	
2122½ yards of rough casting, at 30c.....	636 70	
Painting inside and cut stone.....	380	
Hard finish, 12,980 square yards, inside walls....	778 80	
250 feet of 1.2-2 inch hose, at 70c per foot.....	175	
270 feet of 2 inch pipe at 60c per foot.....	160	
520 feet of fencing, iron, at \$5 per foot.....	2600.	
Laying and cost of sufficient eight inch petrified clay pipe, say \$1.00 per foot.....	3400	
Planting fifty trees, and repairs on sidewalk.....	100	
Thirty-four wash basins, at \$15 each.....	510	
Urinals and pipe fixtures.....	300	
To pay pensions to veterans, under act of Eight- eenth Legislature .....	45000	\$45000

Sec. 2. The near approach of the close of this session, and the fact that the State Government is without any appropriation for its support, creates an imperative public necessity that the constitutional rule requiring this bill to be read on three several days be suspended, and it is so enacted.

Approved April 23, 1883.

Takes effect from passage.

## JOINT RESOLUTIONS.

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### No. 1.

**JOINT RESOLUTION.**—Making an appropriation of four thousand five hundred dollars, to be used in repairing and furnishing the Governor's Mansion.

Section 1. Be it enacted by the Legislature of the State of Texas: That the sum of four thousand five hundred dollars, or so much thereof, as may be necessary, out of any money in the Treasury not otherwise appropriated, is hereby appropriated, to be expended under the control and direction of the Governor, for repairing and furnishing the Governor's mansion and grounds.

Sec. 2. Whereas the Governor's mansion is now in a condition not fitted for comfortable occupancy, which creates an imperative public necessity and emergency which requires that the constitutional rule be suspended, and this act take effect from and after its passage.

Approved February 2, 1883.

Takes effect from passage.

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### No. 2.

**JOINT RESOLUTION.**—Amending Sections 4 and 6, of Article 7 of the Constitution of the State of Texas.

Section 1. Be it resolved by the Legislature of the State of Texas: That sections 4 and 6 Article 7, of the Constitution of the State of Texas, be amended so as to read as follows:

Sec. 4. The lands herein set apart to the Public Free School fund, shall be sold under such regulations, at such times, and on such terms as may be prescribed by law; and the Legislature shall not have power to grant any relief to purchasers thereof. The Comptroller shall invest the proceeds of such sales, and of those heretofore made, as may be directed by the Board of Education herein provided for, in the bonds of the United States, the State of Texas, or counties in said State, or in such other securities, and under such restrictions as may be prescribed by law; and the State shall be responsible for all investments.

Sec. 6. All lands heretofore, or hereafter granted to the several counties of this State for educational purposes, are of right the property of said counties respectively, to which they were granted, and title thereto

is vested in said counties, and no adverse possession or limitation shall ever be available against the title of any county. Each county may sell or dispose of its lands in whole or in part, in manner to be provided by the commissioner's court of the county. Actual settlers residing on said lands, shall be protected in the prior right of purchasing the same to the extent of their settlement, not to exceed one hundred and sixty acres, at the price fixed by said court, which price shall not include the value of existing improvements made thereon by such settlers. Said lands, and the proceeds thereof, when sold, shall be held by said counties alone as a trust for the benefit of public schools therein; said proceeds to be invested in bonds of the United States, the State of Texas, or counties in said State, or in such other securities, and under such restrictions as may be prescribed by law; and the counties shall be responsible for all investments; the interest thereon, and other revenue, except the principal shall be available fund.

Sec. 2. That the Governor of this State shall issue his proclamation ordering an election to be held on the second Tuesday in August A. D. 1883, at which time the foregoing amendments shall be submitted for adoption, to the qualified electors of this State.

Sec. 3. That those voting for the adoption of said amendment to Section 4, shall have written or printed on their ballots the words: "For amendment to Section 4, Article 7 of the Constitution;" and those voting against the adoption of said amendment to Section 4, shall have written or printed on their ballots the words: "Against amendment to Section 4, Article 7 of the Constitution," and those voting for the adoption of said amendment to Section 6 shall have written or printed on their ballots the words; "For amendment to Section 6, Article 7, of the Constitution;" and those voting against the adoption of said amendment to Section 6, shall have written or printed on their ballots the words: "Against amendment to Section 6, Article 7, of the Constitution."

Received in office, March 26th, 1883.

NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 26th day of March, A. D. 1883, and was not signed by him or returned to the House in which it originated, with his objections thereto, within the time prescribed by the constitution, and thereupon became a law without his signature.

Takes effect after passage.

[Signed]

JOS. W. BAINES,  
Secretary of State.

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### No. 3.

**JOINT RESOLUTION.**—Requesting Texas Senators and Representatives to urge upon Congress, the settlement of the claims of those who suffered from the burning of the town of Brenham, Texas, in 1866.

Whereas a joint select committee of the Senate and House of Representatives of the Legislature of the State of Texas in 1866 who had been appointed to investigate and report the facts connected with the burning of a portion of the town of Brenham in Washington county, Texas, and to recommend the proper action to be had in the matter, on the 28th September 1866, reported that the fire was the work of United

States troops stationed at Brenham and done in a spirit of incendiarism and also for the purpose of pillage; the property which was destroyed and lost amounting in value to \$131,026.00, a full list of which with names of owners and the sworn evidence of witnesses to the facts upon which the report was based and whereas, said committee recommended that our Senators and Representatives in Congress, and the Governor of this State urge upon the Congress of the United States the justice and importance of a settlement of the claims for said property so destroyed, and the removal of said troops, and whereas, no further action was ever taken by the Legislature of this State except to request the removal of said troops, therefore:

Section 1. Be it resolved by the Legislature of the State of Texas: That our Senators and Representatives in Congress be requested to urge by bill or otherwise as they may deem best the early settlement of these claims by the United States.

Sec. 2. That the Secretary of State be requested to furnish a copy of these resolutions to each of the Senators and Representatives of Texas in Congress, together with a copy of the official report of said joint select committee with such papers as may accompany the same.

Approved March 31, 1883.

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No. 4.

**JOINT RESOLUTION.**—To amend Section 9, Article 8, of the Constitution of the State of Texas.

Section 1. Be it resolved by the Legislature of the State of Texas, That Section 9, Article 8, of the Constitution of the State of Texas be so amended as hereafter to read as follows:

Article 8.

"Section 9. The State tax on property, exclusive of the tax necessary to pay the public debt, and of the taxes provided for the benefit of public free schools, shall never exceed thirty-five cents on the one hundred dollars valuation; and no county, city or town shall levy more than twenty-five cents for city or county purposes, and not to exceed fifteen cents, for roads and bridges, on the one hundred dollars valuation, except for the payment of debts incurred prior to the adoption of this amendment, and for the erection of public buildings, street, sewer and other permanent improvements, not to exceed twenty-five cents on the one hundred dollars valuation in any one year, and except as is in this Constitution otherwise provided.

Sec. 2. That the Governor of this State be, and he is hereby required to submit the foregoing resolutions to a vote of the qualified electors of this State on the second Tuesday in August, 1883.

Sec. 3. That those voting for the amendment to Section 9, Article 8, of the Constitution, shall have written or printed on their ballots the words, "For amendment to Section 9, Article 8, of the Constitution," and those voting against the adoption of Section 9, Article 8, of the Constitution shall have written or printed on their ballots the words, "Against amendment to Section 9, Article 8, of the Constitution."

Approved April 7, 1883.



## No. 5.

**JOINT RESOLUTION.**—To amend Section 3 of Article 7, of the Constitution of the State of Texas.

Section 1. Be it resolved by the Legislature of the State of Texas: That Section 3, of Article 7, of the Constitution of the State of Texas be so amended as to hereafter read as follows:

"Section 3. One-fourth of the revenue derived from the State occupation taxes, and a poll tax of one dollar on every male inhabitant of this State between the ages of twenty-one and sixty years, shall be set apart annually for the benefit of the public free schools, and, in addition thereto, there shall be levied and collected an annual ad valorem State tax of such an amount, not to exceed twenty cents on the one hundred dollars valuation, as, with the available school fund arising from all other sources, will be sufficient to maintain and support the public free schools of this State for a period of not less than six months in each year; and the Legislature may also provide for the formation of school districts within all or any of the counties of this State, by general or special law, without the local notice required in other cases of special legislation, and may authorize an additional annual ad valorem tax to be levied and collected within such school districts for the further maintenance of public free schools and the erection of school buildings therein; provided, that two-thirds of the qualified property tax paying voters of the district, voting at an election to be held for that purpose, shall vote such tax, not to exceed in any one year twenty cents on the one hundred dollars valuation of the property subject to taxation in such district, but the limitation upon the amount of district tax herein authorized shall not apply to incorporated cities or towns constituting separate and independent school districts.

Sec. 2. That the Governor of this State shall issue his proclamation ordering an election to be held on the second Tuesday in August A. D. 1883, at which time the foregoing amendment shall be submitted for adoption by the qualified electors of this State.

Sec. 3. That those voting for the adoption of the amendment to Section 3, shall have written or printed on their ballots the words "For amendment to Section 3, Article 7, of the Constitution, school tax," and those voting against the adoption of said amendment shall have written or printed on their ballots the words "Against the amendment to Section 3, Article 7 of the Constitution, school tax."

Approved April 7, 1883.

## No. 6.

**JOINT RESOLUTION.**—Proposing an amendment to Article 5 of the State Constitution diminishing the number of terms of county courts.

Section 1. Be it resolved by the Legislature of the State of Texas: That Article 5 of the Constitution of the State shall be amended by adding thereto another section which shall read as follows:

Section 29. The county court shall hold at least four terms for both civil and criminal business annually as may be provided by the Legislature, or by the commissioners' court of the county under authority of law and such other terms each year as may be fixed by the commissioners court; provided the commissioners court of any county having fixed the times and number of terms of the county court shall not change the same again until the expiration of one year. Said courts shall dispose of probate business either in term time or vacation under such regulation as may be prescribed by law. Prosecutions may be commenced in said courts in such manner as is or may be provided by law, and a jury therein shall consist of six men. Until otherwise provided the terms of the county court shall be held on the first Mondays in February, May, August and November and may remain in session three weeks.

Sec. 2. This amendment shall be submitted on the 2nd Tuesday in August A. D. 1883.

NOTE.—The foregoing resolution was presented to the Governor of Texas for his approval on the 13th day of April, A. D. 1883, and was not signed by him, or returned to the house in which it originated, with his objection thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.

[Signed]

JOS. W. BAINES,  
Secretary of State.

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No. 7.

**JOINT RESOLUTION.**—Requesting the Senators and Representatives in Congress from Texas to use their best efforts in behalf of such an understanding between the Government of the United States and that of the Republic of Mexico, as will establish and maintain efficient quarantine laws, to prevent the spread of infectious and epidemic diseases on the border of the two nations.

Whereas, the recent yellow fever epidemic on the Rio Grande border has demonstrated the necessity for additional precautionary measures to prevent the introduction of yellow fever into Texas, and the fact that small pox has obtained such a foot hold in the border districts of Mexico, as make it almost impossible to protect our people from its ravages unless measures are adopted by that government to hold it in check,

And whereas, the Republic of Mexico has no quarantine or sanitary system whatever, thereby impairing the efficiency of the quarantine laws of Texas, and from this cause owing to the constant communication existing between the two people, and the close proximity of the towns and ranches, the homes of the people of Texas residing on that border are constantly endangered, causing loss of life, injury to commerce, and expenditures of large sums of money to prevent the spread of infectious diseases on the American side of the Rio Grande; therefore:

Section 1. Be it resolved by the Senate of the State of Texas, the House of Representatives concurring, That our Senators and Representatives in Congress be requested to urge upon the Congress of the United States the imperative necessity of such an understanding between

the government of the United States and Mexico, as will result in the establishment by the government of Mexico of such quarantine laws and sanitary regulations as will prevent the introduction and spread of infectious diseases along the border of the two republics.

Sec. 2. That the Secretary of State be requested to furnish immediately a copy of this joint resolution to each of our Senators and Representatives in Congress.

Sec. 3. The danger of not being able to reach this measure in regular order creates a necessity for suspending the rule requiring it to be read on three several days: and it is so suspended.

Approved April 14, 1883.

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No. 8.

**JOINT RESOLUTION.**—Requiring the Governor to submit all constitutional amendments passed by the 18th Legislature to a vote of the people and fixing the time at which the election shall be held.

Section 1. Be it resolved by the Legislature of the State of Texas: That all amendments to the Constitution, passed by the 18th. Legislature shall be submitted to a vote of the people at an election for that purpose to be held on the second Tuesday in August A. D. 1883, unless a different time is fixed in the amendment to be submitted.

Sec. 2. That the Governor shall issue his proclamation calling said election and designating the manner of voting in accordance with Article 17, Section 1, of the Constitution and shall also cause advertisements to be made in accordance therewith.

Sec. 3. The near approach of the close of the session is such an imperative public necessity as justifies the suspension of the constitutional rule requiring this resolution to be read on three several days and said rule is hereby suspended.

Approved April 14, 1883.

Takes effect ninety days after adjournment.

## CONCURRENT RESOLUTIONS.

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### No. 1.

**SENATE CONCURRENT RESOLUTION**—Requesting the Senators and Representatives from Texas to aid in the passage of an act to equip and support an agricultural experiment station in each State under the control of the State Agricultural and Mechanical College.

Section 1. Be it resolved by the Legislature of the State of Texas: That the Senators and Representatives in Congress aid in the passage of an act to equip and support an agricultural experiment station in each State under the control of the State Agricultural and Mechanical College.

Sec. 2. Be it further resolved that a copy of this resolution be forwarded to each Senator and Representative in Congress from Texas by the Secretary of State.

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### No. 2.

**CONCURRENT RESOLUTION**—Requesting Texas Senators and Representatives to secure division of work, on Texas Coast in two or more districts and for additional engineer officers.

Whereas, the great length of the coast line of Texas, the number of places thereon which are receiving appropriations from the National government have only such limited facilities of communication between them, that it is impossible for any one engineer officer, however capable or efficient, to properly superintend to the best advantage the various works of improvement, which are now being conducted by the National government: and whereas, while all the works at the various points on the coast are of great importance to the immediate sections, as well as to the country at large, yet the works at Galveston and on Buffalo Bayou between the cities of Houston and Galveston—are of such magnitude as to require the constant attention and the entire time and capacity of any one engineer officer; and whereas, it is believed that the best interest of Texas, as well as that of the National government requires that an additional number of engineer officers be assigned to duty at the different works on the coast of Texas, therefore—

Section 1. Be it resolved by the Senate of the State of Texas, the House of Representatives concurring; That the senators and represen-

tatives from Texas in Congress be and they are hereby requested to take such action as will result in securing a division of the works on the coast of Texas, into two or more districts, and to secure the assignments to duty of an engineer officer to each of said districts, such officer to have charge of the works in said district, and to report directly to the department at Washington.

Sec. 2. Be it further resolved, that the Secretary of State furnish a copy of this concurrent resolution to each of the Texas Senators and Representatives in Congress.

Approved April 7th, 1883.

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No. 3

**CONCURRENT RESOLUTION.—Revoking the Leases of the Penitentiaries of the State of Texas**

Whereas, the Penitentiary Board of the State of Texas did on the 29th day of November A. D. 1882 enter into a contract with Ed. H. Cunningham and L. A. Ellis to let to said Cunningham and Ellis the State Penitentiary at Huntsville on the following terms and conditions, to wit:

State of Texas  
County of Travis.

This indenture or contract of lease, made the twenty-ninth day of November A. D. 1882, by and between O. M. Roberts, Governor of the State of Texas, of the first part, and E. H. Cunningham and L. A. Ellis, under the firm name of Cunningham and Ellis of the second part, witnesseth: That the said O. M. Roberts as Governor aforesaid, acting for and in behalf of the State of Texas, and with the concurrence of the Penitentiary Board of said State, and by virtue of the authority vested in him by act of the Seventeenth Legislature of said State, entitled "An Act to provide for the organization of the State penitentiaries, and the more efficient management of the same" approved March 17th A. D. 1881, and in accordance with the provisions of said act, and for and in consideration of the covenants hereinafter mentioned and agreed to be kept and performed by the said Cunningham and Ellis and their agents and representatives, have granted, demised, leased and hired, and by these presents do grant, demise, lease and hire unto the said Cunningham and Ellis, lessees, the State Penitentiary, together with all the property of said State, real, personal or mixed, pertaining or incident to said penitentiary, whether within or without the prison walls, and the labor of all the convicts which may, on the first day of January, A. D. 1883 and thereafter, be assigned to said penitentiary, whether within or without the prison walls, to have and to hold the said property and labor herein leased unto the said lessees and their representatives for the term of fifteen years, unless sooner determined, as hereafter provided, beginning January 1st A. D. 1883, and ending December 31st A. D. 1897. This lease is made and accepted upon the following terms, conditions, restrictions, limitations, considerations and understandings, to wit:

First. Said lessees shall have the use of all lands, buildings, ma-

chinery, tools and other property constructed with said penitentiary. They shall also have the use of any unexpended appropriations made by the Legislature, and which the Penitentiary Board now has at its disposal, for the purchase of machinery and for improvements for said penitentiary, which said appropriation the said lessees shall expend, as contemplated, under the direction of said board: said machinery when purchased to be placed in position by said lessees free of cost to the State.

Second. On or before January 1st, A. D. 1883, the Superintendent of Penitentiaries shall make an equal and fair division of all the convicts on hand belonging to the State Penitentiary: one-half of whom shall be assigned to the Huntsville Penitentiary as inmates thereof, or belonging thereto; and one-half the convicts thereafter received shall also be assigned to said penitentiary. The convicts so assigned to the Huntsville penitentiary are the convicts whose labor is herein contracted: in making such division and assignment, the said Superintendent shall have due regard to the location of said convicts, their terms of service, their trades, crimes color, age, sex, and physical condition, so that as equitable a division as possible be made between the Huntsville and Rusk penitentiaries.

Third. The convicts herein leased include one-half of all the convicts, including that class of convicts contracted by the Penitentiary Board on the fifteenth day of August A. D. 1882, to certain farm labor for term of five years, which said contracts are one-half assigned to said lessees, who hereby agree and bind themselves to assume and carry out in good faith and impartiality the terms and provisions of said contracts, and to do and perform every obligation assumed to be done or performed by the State in said contracts, and to require said contractors to carry out the obligations assumed by them in said contracts. Whatever moneys or considerations accrue to the State by said contracts shall be paid by said lessees: but said lessees shall pay, as hereinafter provided for in other cases, the remuneration for sergeants and guards.

Fourth. In consideration of the lease herein made, said lessees have obligated themselves, and hereby obligate themselves, to pay into the State Treasury at Austin, on or before the thirty-first day of December of each year, the sum of ten thousand dollars (\$10,000.00): that they will, on and after January 1st 1885, in conjunction with the lessees of the Rusk penitentiary, and on such terms as they may agree upon, with the approval of the Penitentiary Board, receive convicts at the county jails and transport them to the penitentiaries free of any cost or charge whatsoever to the State: that they shall furnish everything whatsoever that may be proper and necessary for the support and maintenance of the said penitentiary, and for the comfort, health, protection and security of the convicts belonging thereto, whether within or without the prison walls, including the salaries of all the officers connected with said penitentiary to wit: one assistant superintendent, one physician, one chaplain, and one inspector, also one-half the salary of the Superintendent of Penitentiaries, and the compensation of under officers and guards employed by the State Officer, all to be paid as may be directed by the Penitentiary Board: but they shall not be required to pay to under officers and guards any greater compensation than the maximum amounts fixed by the Penitentiary Board before making this lease. Said lessees also agree and bind themselves to furnish suitable and substantial blank books, record books and other books, in which to keep the necessary records, minutes, or accounts pertaining to said penitentiary and its management: also furnish all stationery, blanks, postage, fuel, lights, furni-

ture and other necessities for the offices of the Superintendent, Assistant Superintendent, under keeper and sergeants; also pay for telegrams to or from said officers in regard to matters connected with the administration and management of said penitentiary, provided, they shall not be required to pay more than half the expenses of the office of the Superintendent. Said lessees shall also furnish stationery and postage for the convicts as prescribed by the rules. They also agree, and hereby bind themselves to pay a reward of twenty-five dollars and the actual expenses incurred for the apprehension and return of each escaped convict who may be returned or assigned to said penitentiary. They shall also supply each convict discharged from said penitentiary with a plain suit of citizens clothing, five dollars in money, and railroad transportation, as now required by law. In short, said lessees shall assume and pay all the expenses connected with the administration of said penitentiary which the State would have to pay if it were operated by the State.

Fifth. Said lessees shall work in moderation and treat humanely all the convicts belonging to said penitentiary. They shall make and keep comfortable all cell buildings, prison houses, prison cars, shops etc, in which convicts are confined and worked, furnishing the necessary stoves, fuel and lights for heating and lighting said buildings: they shall clothe, feed, work and treat said convicts, whether within or without the walls, in accordance with and in strict obedience to the laws, rules and regulations now or hereafter to be enacted in relation thereto and in accordance with the principles and dictates of justice and humanity.

Sixth. Said lessees shall within six months after the commencement of this lease, make all necessary repairs to the buildings, walls, machinery, yards, premises and other property belonging to said penitentiary, whether within or without the walls, or whether used by them or reserved by the State for the use of its officers, and shall keep the same in good repair during this lease. They shall have printed as often as necessary to protect and preserve them, all tin roofs and gutters belonging to said penitentiary. They shall also keep in repair the administration building and superintendent's house and premises belonging to the State, but reserved for the use of its officers. They shall also furnish suitable rooms, beds and food for all under officers and guards connected with said penitentiary. If required, they shall furnish convict clerical help for the officers of the superintendent, assistant superintendent and under keeper. They shall also furnish building tenders, lime for white-washing purposes, the best facilities for cooking the food, washing the clothes and bathing the bodies of the convicts.

Seventh. Said lessees shall take possession of said penitentiary, its property and convicts, on the first day of January A. D. 1883, and on and after that date shall be held responsible therefor under the terms of this lease. As soon as an inventory and appraisement of such property can be made, said lessees shall deliver to the Governor a receipt therefor. Said lessees shall confine and work within the walls of said penitentiary, or at labor near by and incidental to the operation thereof, at least four hundred convicts, said number not to be diminished, but increased yearly in equal numbers, until the number so confined shall reach at least six hundred by January 1st, A. D. 1886, and not thereafter to be diminished. The balance, if any, to be worked at outside labor, under such restrictions as may be imposed by the board.

Eighth. Upon the termination of this lease, by limitation or otherwise, the said lessees shall quietly and peacefully surrender, return and

deliver to the State, or to such person or persons as may be designated by the Governor, said penitentiary, and all the property thereto pertaining. For all property returned in good order and repair, said lessees shall be credited with the value thereof, as fixed by appraisement when they receive it: and for all property returned not in good order and repair, the said lessees shall be charged with such amount, to be estimated by appraisers, as will be necessary to place the same in good order and repair: and for all property received from the State and not returned, or not reserved by its officers, the said lessees shall pay the value thereof as fixed by appraisement when received; provided, the said lessees shall not be required to pay for property destroyed by fire or otherwise, not occasioned by the fault of themselves, their agents, or employees.

Ninth. If any improvements of a permanent kind are made by said lessees with the consent of the Penitentiary Board, they shall be allowed pay for same, as now provided by law.

Tenth. The right is reserved to the State, through its proper officers, to direct how and at all times and under all circumstances, the convicts whose labor is herein contracted, or leased, shall be lodged, fed, clothed, worked, guarded and treated, and it is distinctly understood and agreed that the control of said convict does not, under this lease, pass from the State or its officers, and the management of said convicts shall in all cases and under all circumstances remain under such control.

Eleventh. The said lessees shall by themselves, their agents, superintendents and foremen, have the right to direct the labor of the convicts belonging to said penitentiary, but subject to such sanitary and disciplinary instructions as may be prescribed by the rules and regulations: and the said State reserves the right and authority to forbid that said convicts be put to any work which subjects them to any unusual danger to their persons or health, or too much facilitates their chances of escape.

Twelfth. It shall be the duty of the State officers in charge of said penitentiary to require good, faithful work of said convicts, and in accordance with their physical ability to do the same. The hours of labor for convicts under this contract, shall not exceed ten hours per day, to be so arranged that they shall not be turned out of the prison building before daylight, nor remain out after dark, with such exceptions as may be made by the rules.

Thirteenth. The said lessees shall not sub-let nor assign this lease, or any interests therein, without the consent, in writing of the Governor of said State and the Penitentiary Board. If during the existence of this lease, a reformatory is provided by law, then the right is herein reserved, to withdraw such boys from this penitentiary as may be required to be placed in said reformatory, or in case a new penitentiary be provided, then the right is reserved by the State to place a proportionate share of the convicts thereafter sentenced in said penitentiary.

Fourteenth. Before the first day of January A. D. 1883, the said lessees shall execute and deliver to the Governor a bond in the amount of one hundred thousand dollars, with two or more good and efficient sureties, payable to the Governor and his successors in office, and conditioned that said lessees shall faithfully comply with the terms of this lease. If at any time, for any reason, the Governor of said State shall deem any bond given by said lessees insufficient, then, upon written notice and demand from him, they shall within thirty days furnish a new bond, or ad-



ditional sureties satisfactory to said Governor, or in default thereof this contract may be cancelled.

Fifteenth. If the said lessees shall fail to do or perform any of the obligations of this contract, or shall do that which by the terms thereof they are forbidden to do, then the Governor of said State may at any time thereafter declare this agreement forfeited and the lease terminated, but the bond herein provided for shall remain in full force and effect, as to all the conditions intended to secure the State of Texas in this contract.

Sixteenth. This contract is made subject to all the provisions of the laws now in force or hereafter to be passed regulating the organization and management of penitentiaries. It is also subject to the approval or the revocation of the next Legislature.

Witness our hands, day and date above written.

Signed.

O. M. ROBERTS, Governor

"

ED. H. CUNNINGHAM

"

L. H. ELLIS

We concur in the above contract

(Signed.)

O. M. ROBERTS, Governor

F. R. LUBBOCK, Treasurer

THOS. J. GOREE, Supt. Penity.

Penitentiary Board.

And whereas the said Penitentiary Board did on the 29th day of November, A. D. 1882 enter into a contract with Wm. Morrow, W. R. Hamby and W. H. Cherry, to let to them, the said Morrow, Hamby and Cherry, the State Penitentiary located at Rusk, on the following terms and conditions, to wit:

The State of Texas  
and

} January 1st 1883.

Morrow, Hamby and Co. }

Lease No. 2.

The State of Texas } This indenture or contract of lease made the  
County of Travis } twenty-ninth day of November A. D. 1882 by and  
between O. M. Roberts, Governor of the State of Texas, of the first part  
and W. Morrow, W. R. Hamby and W. H. Cherry under the firm name of  
Morrow, Hamby and Co. of the second part witnesseth.—That the said  
O. M. Roberts as Governor aforesaid, acting for and in behalf of the State  
of Texas, and with the concurrence of the Penitentiary Board of said  
State, and by virtue of the authority vested in him by an act of Seven-  
teenth Legislature of said State, entitled An Act to provide for the or-  
ganization of the State penitentiaries, and the more efficient manage-  
ment of the same, approved March 17th A. D. 1881, and in accordance  
with the provisions of said act, and for and in consideration of the cove-  
nants hereinafter mentioned and agreed to be kept and performed by the  
said Morrow, Hamby and Co. and their agents and representatives, have  
granted, demised, leased and hired, and by these presents do grant, de-  
mise, lease and hire unto the said Morrow, Hamby and Co. lessees of the  
State Penitentiary at Rusk, Texas, known as the Rusk Penitentiary, to-  
gether with all the property of said State, real, personal, or mixed per-  
taining or incident to said penitentiary, whether within or without the  
prison walls, and the labor of all the convicts which may on the first day  
of January A. D. 1883 and thereafter be assigned to said penitentiary,  
whether within or without the prison walls to have and to hold the said  
property and labor herein leased unto the said lessees and their represen-  
tatives for the term of fifteen years, unless sooner determined as herein-

after provided, beginning January 1st A. D. 1883 and ending December 31st 1897. This lease is made and accepted upon the following terms, conditions, restrictions, limitations, considerations and understanding, to wit:

First. Said lessees shall have the use of all lands, buildings, machinery, tools, ores, and other property connected with said penitentiary, except woods on State land, which may be used only for fuel for the penitentiary and not for coal for smelting. They shall also have the use of any unexpended appropriations made by the Legislature and which the Penitentiary Board now has at its disposal for purchase of machinery and for improvements of said penitentiary which said appropriations the said lessees shall expend as contemplated under direction of said Board. Said machinery when purchased to be placed in position by said lessees free of cost to the State.

Second. On or before January 1st 1883, the superintendent of penitentiaries shall make an equal and fair division of all convicts on hand belonging to the penitentiaries one half of whom he shall assign to the Rusk Penitentiary as inmates thereof, or belonging thereto, and one half the convicts thereafter received shall also be assigned to said penitentiary. The convicts so assigned to Rusk penitentiary are the convicts whose labor is herein contracted. In making such division and assignment the said superintendent shall have due regard to the location of said convicts, their term of service, their trades, crimes, color, age, sex and physical condition, so that as equitable a division as possible be made between the Rusk and Huntsville penitentiaries.

Third. The convicts herein leased include one half of all the convicts, including that class of convicts, contracted by the Penitentiary Board on the fifteenth day of August 1882 to certain farm labor for term of five years, which said contracts are one half assigned to said lessees, who hereby agree and bind themselves to assume and carry out in good faith and impartiality the terms and provisions of said contracts, and to do and perform every obligation assumed to be done or performed by the State in said contracts and to require said contractors to carry out the obligations assumed by them in said contracts. Whatever moneys or considerations accrue to the State by said contracts shall be paid to said lessees, but said lessees shall pay as hereinafter provided for in other cases the remuneration for sergeants and guards.

Fourth. In consideration of the lease herein made, said lessees have obligated themselves and hereby obligate themselves to pay into the State Treasury at Austin on or before the thirty-first day of December of each year, the sum of ten thousand dollars, that they will, on and after January 1st 1885 in conjunction with the lessees of the Huntsville Penitentiary, and on such terms as they may agree upon, with the approval of the Penitentiary Board receive convicts at the county jails and transport them to the penitentiaries free of any cost or charge whatsoever to the State, that they shall furnish everything whatsoever that may be proper and necessary for the support and maintenance of the said penitentiary and for the comfort, health, protection and security of the convicts belonging thereto, whether within or without the prison walls, including the salaries of all the officers connected with said penitentiary, to-wit:—One assistant superintendent, one physician, one chaplain, and one inspector, also one-half of the salary of the Superintendent of Penitentiaries, and the compensation of under officers and guards employed by the State officers, all to be paid as may be directed by the Penitentiary Board, but they shall not be required to pay to under offi-

cers and guards any greater compensation than the maximum amounts fixed by the Penitentiary Board before the making of this lease. Said lessees also agree and bind themselves to furnish suitable and substantial blank books, record books and other books in which to keep the necessary records, minutes or accounts pertaining to said penitentiary and its management, also furnish all stationery, blanks, postage, fuel, lights, furniture and other necessities for the offices of the Superintendent and Assistant Superintendent, under keeper, and sergeants, also pay for telegrams to or from said officers in regard to matters connected with the administration and management of said penitentiary, provided, they shall not be required to pay more than half the expenses of the office of the Superintendent. Said lessees shall also furnish stationery and postage for the convicts as prescribed by the rules. They also agree and hereby bind themselves to pay a reward of twenty-five dollars and the actual expenses incurred for the apprehension and return of each escaped convict who may be returned or assigned to said penitentiary. They shall also supply each convict discharged from said penitentiary with a plain suit of citizen's clothing, five dollars in money and railroad transportation as now required by law. In short said lessees shall assume and pay all the expenses connected with the administration of said penitentiary which the State would have to pay if it were operated on State account.

Fifth. Said lessees shall work in moderation and treat humanely all the convicts belonging to said penitentiary. They shall make and keep comfortable all cell buildings, prison houses, prison cars, shops etc, in which convicts are confined and worked, furnishing the necessary stoves, fuel and lights for heating and lighting said buildings. They shall clothe, feed, work and treat said convicts whether within or without the walls in accordance with and in strict obedience to the laws, rules and regulations, now or hereafter to be enacted in relation thereto, and in accordance with the principles and dictates of justice and humanity.

Sixth. Said lessees shall within six months after the commencement of this lease, make all necessary repairs to the buildings, walls, machinery, yards, premises and other property belonging to said penitentiary, whether within or without the walls, or whether used by them or reserved by the State for the use of its officers, and shall keep the same in good repair during this lease. They shall have painted as often as necessary, to protect and preserve them, all the tin roofs and gutters belonging to said penitentiary. They shall also keep in repair the administration building belonging to the State, but reserved for the use of its officers. They shall also furnish suitable rooms, beds and food for all under officers and guards connected with said Rusk penitentiary. If required, they shall furnish convict clerical help for the offices of the superintendent, assistant superintendent and under keeper. They shall also furnish building tenders, lime for whitewashing purposes, the best facilities for cooking food, washing the clothes and bathing the bodies of the convicts.

Seventh. Said lessees shall take possession of said penitentiary, its property and convicts, on the first day of January, A. D. 1883, and on and after that date, shall be held responsible therefor under the terms of this lease. As soon as an inventory and appraisalment of such property can be made, said lessees shall deliver to the Governor a receipt therefor. Said lessees shall confine and work within the walls of said penitentiary, or at labor near by and incidental to the operation thereof, at least three

hundred convicts said number not to be diminished, but increased yearly in equal numbers until the number so confined shall reach at least eight hundred by January 1st 1886, and not thereafter to be diminished, the balance, if any, to be worked at outside labor under such restrictions as may be imposed by the board.

Eighth. Upon the termination of this lease by limitation or otherwise, the said lessees shall quietly and peaceably surrender, return and deliver to the State, or to such person or persons as may be designated by the Governor, said penitentiary, and all the property thereto pertaining. For all property returned in good order and repair the said lessees shall be credited with the value thereof as fixed by appraisement when they so received it, and for all property returned not in good order and repair the said lessees shall be charged with such amount, to be estimated by appraisers as will be necessary to place the same in good order and repair, and for all property received from the State and not returned, or not reserved by its officers, the said lessees shall pay the value thereof, as fixed by appraisement when received, provided, the said lessees shall not be required to pay for property destroyed by fire or otherwise, not occasioned by the fault of themselves, their agents or employees.

Ninth. If any improvements of a permanent kind are made by said lessees with the consent of said Penitentiary Board, they shall be allowed pay for same as now provided by law.

Tenth. The right is reserved to the State through its proper officers to direct how, and at all times and under all circumstances, the convicts whose labor is herein contracted or leased shall be lodged, fed, clothed, worked, guarded and treated, and it is distinctly understood and agreed that the control of said convicts does not under this lease pass from the State, or its officers, and the management of said convicts shall in all cases and under all circumstances remain under such control.

Eleventh. The said lessees shall by themselves, their agents, superintendants and foreman have the right to direct the labor of the convicts belonging to said penitentiary, but subject to such sanitary and disciplinary instructions as may be prescribed by the rules and regulations, and the said State reserves the right and authority to forbid that said convicts be put to any work which subjects them to any unusual danger to their persons or health or too much facilitates their chances for escape.

Twelfth. It shall be the duty of the State officers in charge of said penitentiary to require good, faithful work of said convicts and in accordance with their physical ability to do the same. The hours of labor for convicts under this contract shall not exceed ten hours per day, to be so arranged that they shall not be turned out of the prison building before daylight, nor remain out after dark with such exceptions as may be made by the rules.

Thirteenth. The said lessees shall not sub-let nor assign this lease or any interest therein without the consent, in writing of the Governor of said State, and the Penitentiary Board. If during the existence of this lease a reformatory is provided by law, then the right is herein reserved to withdraw such boys from this penitentiary as may be required to be placed in said reformatory, or in case a new penitentiary be provided, then the right is reserved by the State to place a proportionate share of the convicts thereafter sentenced in said penitentiary.

Fourteenth. Before the first day of January A. D. 1883 the said lessees shall execute and deliver to the Governor a bond in the amount of one hundred thousand dollars with two or more good and sufficient sure-

ties, payable to the Governor and his successors in office and conditioned, that said lessees shall faithfully comply with the terms of this lease. If at any time for any reason the Governor of said State shall deem any bond given by said lessees insufficient, then upon written notice and demand from him, they shall within thirty days furnish a new bond or additional sureties satisfactory to said Governor or in default thereof this contract may be cancelled.

Fifteenth. If the said lessees shall fail to do or perform any of the obligations of this contract or shall do that which by the terms thereof, they are forbidden to do, then the Governor of said State may at any time thereafter declare this agreement forfeited and the lease terminated, but the bond herein provided for, shall remain in full force and effect as to all the conditions intended, to secure the State of Texas in this contract.

Sixteenth. This contract is made subject to all the provisions of the laws now in force or hereafter to be passed regulating the organization and management of penitentiaries.

It is also subject to the approval or the revocation of the next Legislature.

Witness our hands day and date above written.

Signed. O. M. ROBERTS Governor  
W. R. HAMBY  
WILLIAM MORROW  
W. H. CHERRY.

We concur in the above contract.

Signed. O. M. ROBERTS Governor,  
F. R. LUBBOCK Treasurer  
THOS. J. GOREE, Supt Penity.  
Penitentiary Board.

Therefore be it resolved by the Senate the House concurring that the said leases be and they are hereby in all things revoked and cancelled.

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#### No. 4.

Resolved that a committee, consisting of three members of the Senate and three from the House, be appointed to prepare an address to the people touching the Constitutional amendments adopted by the Eighteenth Legislature, giving the reasons for the changes thereby proposed in the organic law, and the explanation of their purposes, to the end that the great body of the people may be fully informed with reference thereto, and be better enabled to vote understandingly upon the question of their adoption or rejection.

Approved April 14, 1883.

THE STATE OF TEXAS, {  
DEPARTMENT OF STATE. }

I, Jos. W. Baines, Secretary of State of the State of Texas, do hereby certify that I have compared the foregoing Laws and Joint Resolutions, passed by the Eighteenth Legislature, with the originals now on file in this department, and that they are true copies thereof. I further certify that the Eighteenth Legislature of the State of Texas convened at the city of Austin on the ninth day of January, A. D. 1883, and adjourned on the thirteenth day of April, A. D. 1883.

[L. s.] In Testimony Whereof, I hereunto sign my name and affix the seal of the State of Texas, at the city of Austin, on this the thirteenth day of May, A. D. 1883.

JOS. W. BAINES,  
Secretary of State.

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# **SPECIAL LAWS**

**OF**

# **THE STATE OF TEXAS**

**PASSED AT THE**

**REGULAR SESSION OF THE EIGHTEENTH LEGISLATURE**

**CONVENED**

**AT THE CITY OF AUSTIN**

**JANUARY 9, 1883, AND ADJOURNED APRIL 13, 1883**

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**BY AUTHORITY OF THE STATE OF TEXAS**

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**AUSTIN, TEXAS  
1883**



## SPECIAL LAWS.

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No. 1.—An Act to amend Sections three (3), four (4), five (5), six (6), eleven (11), fourteen (14), fifteen (15), sixteen (16), eighteen (18), twenty (20), twenty one (21), twenty two (22), twenty three (23), twenty six (26), twenty eight (28), twenty nine (29), thirty (30), fifty one (51), fifty two (52), eighty two (82), ninety (90), ninety one (91), one hundred and seventeen (117), one hundred and twenty seven (127), one hundred and twenty eight (128), one hundred and thirty five (135), one hundred and forty (140), one hundred and forty two (142), one hundred and forty seven (147), one hundred and forty eight (148), one hundred and fifty one (151), one hundred and fifty seven (157), one hundred and fifty eight (158), one hundred and fifty nine (159), one hundred and sixty one (161), one hundred and seventy (170), and one hundred and seventy one (171), of an act to incorporate the city of Galveston and to grant a new charter; approved August 2nd, 1876, and amended by act of Legislature approved April 5th 1881.

Section 1. Be it enacted by the Legislature of the State of Texas: That section three (3) of said act be, and the same is hereby amended, so that hereafter it shall be as follows, to wit;

Section 3. The municipal government of the city shall consist of a city council, composed of the mayor, and one alderman from each ward. A majority of the aldermen elected shall constitute a quorum for the transaction of business, except at called meetings, or meetings for the imposition of taxes, when three fourths of the aldermen elected shall be required unless herein otherwise specified.

The other officers of the corporation shall be a recorder, a treasurer, an assessor, a collector, a clerk, a chief of police, an engineer (who shall also be superintendent of streets), an attorney, an auditor, a health physician and such other officers and agents as the city council may from time to time direct: All of whom except the mayor, aldermen, clerk, and chief of police shall be elected by ballot by the aldermen at a meeting to be held on the third Monday in March in each year, upon the nomination of the mayor: or in case no person shall then be nominated by him, or if the person so nominated shall not be elected, then as soon thereafter as possible, upon the nomination of the mayor. The clerk and chief of police shall be appointed by the mayor on the third Monday in March in each year or as soon thereafter as possible. All of said officers so nominated, and elected shall hold their offices until the third Monday in March thereafter and until the nomination, and election and qualification of their successors: and in such election a majority of all the aldermen elected shall be necessary to a choice. The officers appointed by the mayor as aforesaid, shall hold their offices until the third Monday in March thereafter, unless earlier removed by the mayor, or by the city council under the au-



thority vested in it by section one hundred and fifty five (155) hereof; and until the appointment by the mayor, and qualification of their successors.

Sec. 2. That Section four (4), of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit;

Sec. 4. Elections for mayor and aldermen shall be held biennially, on the first Monday in March, at such place and places as the city council may direct, and of which thirty days previous notice shall be given by publication in one or more newspapers of said city. Said election shall be ordered by the city council or mayor. For the purpose of holding such elections, and others ordered, the city council shall appoint biennially, in April or earlier, in each ward some competent and suitable person, who shall be the presiding officer at all elections held in his ward. The presiding officer in each ward shall elect two judges and two clerks, who with the presiding officer shall be managers of the election. The presiding officers and judges must be qualified voters in the city. The city council shall provide for their compensation, and by ordinance, regulate and define their powers and duties, and determine the hours of opening and closing the polls. The mayor, whenever an election is ordered, shall give the required notice and issue to the presiding officer a writ of election; and every published notice of election shall state the officer, or officers to be elected, the place where the election will be held and the name of the presiding officer thereat. In case the officer so appointed is unable, fails, refuses or neglects to act, or the city council have failed to appoint, the mayor shall appoint; and in case no appointed presiding officer appears to open the polls, the attending qualified electors at the place for holding such election may appoint such officer, who shall perform the same duties and shall have like power and authority to act as a first appointee; but in such case the managers in their returns or otherwise, shall certify that the presiding officer failed to attend, or neglected to act and that the person acting as such was duly chosen by the electors present; provided, that if from any cause an election cannot be, or is not held on the day aforesaid, such election shall be held as soon thereafter as the order can be made and the necessary notice given. And the city council shall have full authority to designate the day for such election; and provided further, that the presiding officer, for the first election under this act, may be appointed at any time prior to such election.

Sec. 3. That section five (5) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

Sec. 5. At the first biennial election there shall be elected, by the qualified voters of said city, voting by ballot, a mayor, who shall hold his office for two years from the date of said election, and until his successor shall be elected and qualified; at the same time there shall be elected one alderman from each ward of the city by the qualified voters of such ward, who shall hold his office for two years from the date of said election, and until his successor shall be elected and qualified. The person receiving the highest number of votes in the whole city for mayor shall be declared elected; and the person receiving the highest number of votes cast for alderman in their respective wards, shall be declared elected. In case the person elected mayor shall refuse to accept the office, the city council, mayor or acting mayor shall order another election; and in case of a vacancy in the office of mayor by death, resignation, removal or otherwise, it shall be filled for the remainder of the term by a new election, to be ordered by the city council, or acting mayor. And

in case of vacancy in the office of alderman by a refusal to accept or qualify, or by death, resignation, removal or otherwise, the city council, mayor or acting mayor shall order a new election to fill the residue of the unexpired term; and all special elections shall be conducted in the same manner as is herein provided for the biennial election; provided, that in special elections, five days notice thereof shall be deemed sufficient.

Sec. 4. That Section six (6) of said act be and the same is hereby amended so that hereinafter it shall be as follows, to wit:

Sec. 6. The manner of conducting and voting at elections to be held under this act, and contesting the same, the keeping of the poll list, canvassing of the votes, and certifying the returns, shall be the same as nearly as may be, as is now, or may hereafter be provided by law at general State elections; provided, the city council shall have full power and authority to regulate elections and pass all ordinances in relation thereto, not inconsistent with the general laws of the State which they may deem proper and necessary, and to prescribe what action shall be had in the event of there being no biennial election, or a failure to elect the officers, or any of them, for which any election was ordered; and to prescribe the manner and mode of determining contested elections. The voting shall be by ballot, and the managers shall take the same oath and shall have the same power and authority as the managers of general State elections. After closing the polls the ballots shall be counted in the manner required by law; and the returns, including the ballots, shall be returned to the city clerk within three days after the election; and within five days from the election, the city council shall meet and canvass the same and declare the result of the election; or, failing to meet at the specified time, shall proceed to canvass said returns at the next subsequent meeting. It shall be the duty of the city clerk to notify all persons elected or appointed to office of their election or appointment and unless said persons shall respectively qualify within five days thereafter the office shall become vacant, except in case of sickness or unavoidable accident. The city council shall meet at the usual place of meeting at 4 o'clock p. m., on the second Wednesday after the first Monday of March, or as soon thereafter as possible and the newly elected members shall be installed under the provisions of this act.

Sec. 5. That Section (11) eleven of said act be and the same is hereby amended so that hereafter it shall be as follows, to-wit:

Sec. 11. Every person elected by the voters of said city, or by the city council on the nomination of the mayor, or appointed by the mayor to fill any office under this act shall before he enters on the duties of his office, take and subscribe the official oath prescribed in the Constitution of this State; and the city council may by ordinance require such additional oath as they may deem best calculated to secure faithfulness in the performance of their duties by such officers.

Section 6. That Section fourteen (14) of said act be and the same is hereby amended so that hereafter it shall be as follows, to-wit:

Section 14. The mayor shall preside over the meetings of the city council, but shall have no vote unless there is a tie, in which case he shall give the casting vote. He shall have like power with a justice of the peace, to administer oaths of office, and also all oaths and affirmations and to give certificates thereof. He shall possess and execute in the city, in criminal cases, all the powers and duties of a justice of the peace. He shall be compensated for his services by a salary of three

thousand dollars per annum payable at stated periods, and shall receive such fees as may be allowed by law, which fees shall be paid into the city treasury. He shall have power to remove any officer holding office under the appointment of the mayor and any member of the police force, and to suspend any officer (except alderman) holding an office created by this charter, or any ordinance of the city, under any authority other than that of appointment by the mayor. He may fill by appointment any vacancy occasioned by the exercise of his said power of removal. He may fill by appointment any vacancy occasioned by the exercise of his said power of suspension, until the cause of such suspension can be acted on by the city council, and may fill by appointment any vacancy so occasioned. He shall have authority in case of a riot, or any unlawful assemblage, or with a view to preserve peace and good order in said city, to order and enforce the closing of any theatre, ball room, grog shop, tippling shop, bar room, or other place of resort, or public room or building and may order the arrest of any person violating in his presence the laws of the State, or any ordinance of the city; and he shall perform such other duties, and possess and exercise such other power and authority as may be prescribed and conferred by the city council.

Sec. 7. That Section fifteen (15) of said act be and the same is hereby amended so that hereafter it shall be as follows, to-wit:

Section 15. In case of a vacancy in the office of mayor, or of his being unable to perform the duties of his office by reason of temporary or continued absence or sickness, the aldermen shall appoint by ballot, by a majority of all the aldermen present, one of their number to act in his stead, whose official designation shall be acting mayor: and the alderman so appointed shall be invested with all the powers and shall perform all the duties of mayor of the city, and shall receive the salary of mayor during such vacancy; provided, it shall continue for ten days or longer; and during that time the mayor shall receive no salary. And during such temporary exercise of the functions of mayor, it shall be the duty of the acting mayor to daily report his presence at the city clerk's office, and he shall continue to exercise such functions until such time as the mayor shall report in person at the city clerk's office and duly record his presence in writing, or until the acting mayor shall be removed by the aldermen, as provided by this charter; but he shall not vote as an alderman while acting as mayor.

Sec. 8. That Section sixteen (16) of said act be and the same is hereby amended so that hereafter it shall be as follows, to-wit:

Section 16. All ordinances and resolutions adopted by the city council, and all acts of the council authorizing or making any contract, grant or concession, whether such act be had or passed in response to petition or proposition, or in any other manner whatsoever, and irrespective of the form of such acts, shall be subject to veto by the mayor. Such ordinances, resolutions and acts of the council, together with such papers as may pertain thereto, shall be placed in the office of the city clerk, and if the mayor approve thereof he shall endorse the same, "approved," and sign his name to such endorsement, and thereupon such ordinances, resolutions and acts shall go into effect. If the mayor shall fail to approve any such ordinance, resolution or act for a longer period than five days after it shall be placed in the clerk's office, it shall go into effect, unless he shall have within said period, signified his disapproval thereof, by returning it to the clerk's office, together with his written objections thereto, for the consideration of the city council. The vote by which

any ordinance, resolution or act so disapproved by the mayor was passed, shall be reconsidered by the city council either at the next regular meeting thereof held after such disapproval is filed in the clerk's office, or at a special meeting called earlier for that purpose, and if after such reconsideration, two-thirds of the aldermen elected agree to pass such ordinance, resolution or act, it shall be in force, but not otherwise. No ordinance, resolution or act appropriating money, or authorizing or making any contract, grant or concession involving an appropriation of money, or a relinquishment of any property, right, interest, or franchise shall be passed or had by the city council except by a vote of two-thirds of the aldermen elected cast therefor.

Sec. 9. That Section eighteen (18) of said act be and the same is hereby amended so that hereafter it shall be as follows, to-wit:

Section 18. The chief of police shall, either in person or by deputy attend upon the recorder's court while said court is in session, and shall promptly and faithfully execute all writs and process issued from said court. He shall be the chief police officer of the city under the mayor. He shall have like power with the sheriff of the county to execute the writ of search warrant. He shall be active in quelling riots, disorders, and disturbances of the peace within the limits of said city, and shall take into custody all persons so offending against the peace of the country and he shall have authority to take suitable and sufficient bail for the appearance before the recorder's court, of any person charged with an offence against the ordinances and laws of the city. It shall be his duty to arrest all violators of the public peace, and all persons who shall obstruct or interfere with him in the execution of the duties of his office, or who shall be guilty of disorderly conduct or disturbances whatsoever. To prevent a breach of the peace, or preserve quiet and good order, he shall have authority to close any theatre, bar room, ball room, drinking house or any other place or building of public resort; and in the prevention and suppression of crime and arrest of offender, he shall have, possess and execute like power, authority and jurisdiction as a sheriff of a county under the laws of the State. He shall receive a salary of two thousand dollars per annum. The chief of police shall give such bond for the faithful performance of his duties as the city council may require and he shall perform such other duties and possess such other powers, rights and authority as the city council may, by ordinance require and confer, not inconsistent with the Constitution and laws of this State, or the provisions of this act.

Sec. 10. That Section (20) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

Section 20. That it shall be the duty of the city clerk to attend every meeting of the city council and keep accurate minutes of the proceedings thereof in a book to be provided for that purpose; to engross and enroll all laws, resolutions and ordinances of the city council: to keep the corporate seal; to take charge of, preserve and keep in order all books, records, papers, documents and files of said council: to countersign all commissions issued to the city officers, and licenses issued by the mayor; and to keep a record or register thereof, and to make out all notices required under any regulation or ordinance of the city. He shall draw all warrants on the treasurer, to be signed by the mayor, and by the auditor, and countersign the same, and keep an accurate account thereof in a book to be provided for the purpose. He shall also be clerk of the recorder's court, and shall have custody of all books and papers belonging to said

court. He shall make out all process and writs, and enter upon a docket all complaints for violation or infraction of city ordinances before the recorder, and his judgment and sentence therein. He shall have power and authority to administer all oaths and affirmations. The city clerk shall be the general accountant of the corporation, and shall keep in books regular accounts of the real, personal and mixed property of the city, of all receipts and disbursements of the city and separately, under proper heads each cause of receipt and disbursement. And also accounts with each person, including officers who have money transactions with the city, crediting amounts allowed by proper authority and specifying the particular transaction to which such entries apply. He shall also keep a register of bonds and bills issued by the city, and all evidence of debt due and payable to it, noting the particulars thereof, and of all facts connected therewith as they occur. He shall carefully keep all contracts made by the city, and he shall do and perform all such other duties as may be required of him by any law, ordinance, resolution or order of the city council. He shall receive for his services a salary of eighteen hundred dollars per annum; and for the faithful discharge of his duties he shall give bond, with good security to the city, for such sum as may be required by the city council, not less than two thousand dollars.

Sec. 11. That Section twenty-one (21) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

Section 21. The treasurer of said city shall give bond in favor of the city of Galveston, in such amount and in such form as may be required by the city council, not less than fifty thousand dollars, and with sufficient sureties, conditioned for the faithful discharge of his duties. He shall receive and securely keep all moneys belonging to the city, and make all payments for the same, upon the order of the mayor, attested by the clerk, and auditor and the seal of the corporation. He shall render a full and correct statement of his receipts and payments to the city council at their regular meeting in every quarter and whensoever at other times he may be required by them to do so; and at the end of every half year he shall cause to be published, at the expense of the city, a statement showing the amount of receipts and expenditures for the six months next preceding, and the general condition of the treasury; and he shall do and perform such other acts as the city council may require; and for his services he shall receive such salary as shall be fixed by the city council, not to exceed twelve hundred dollars per annum.

Sec. 12. That Section twenty-two (22) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

Section 22. That the assessor of the city shall make up all the assessments of all property taxed by the city, including license and occupation taxes and make rolls thereof, and on completion of the rolls, and when accepted by the city council, after twenty days public notice, shall deliver such assessment rolls to the collector, and the inventory lists to the auditor; provided, also, that supplemental rolls may be handed in from time to time, as may be prescribed by ordinance. The collector shall collect all taxes due the city, and in the event of non-payment of any taxes or licenses, shall proceed to sell property to raise the amount of taxes so due, and shall in the performance of his duties observe the provisions of this act and the ordinance of the city relating thereto. He shall give bonds in such amount and in such form as the city council may provide, not less than twenty five thousand dollars, with good and sufficient sure-

ties; and the city council may require a new bond whenever in their opinion the existing bonds is insufficient; and whenever such bond is required he shall perform no official act until said bond shall be given and approved. He shall, at the expiration of every week, pay to the treasurer all money by him collected, and shall report to the city council at the first meeting of that body in every month, all moneys so collected and paid, and he shall perform all such other duties, and in such manner and according to such rules and regulations as the city council may prescribe. The assessor shall receive for his services an annual salary or commission not to exceed two thousand dollars; and shall give security to the city for the faithful discharge of his duties in an amount not less than ten thousand dollars. The collector shall receive for his services an annual salary or commission not to exceed twenty four hundred dollars, and shall give bond, with good security, to the city for such sum as may be required by the city council, not less than twenty five thousand dollars. The assessor is authorized to require the owners of all property subject to taxation to render a correct account of the same under oath, to be administered by him.

Sec. 13. That section twenty three (23) of said act be and the same is hereby amended so that it shall hereafter be as follows, to wit;

Section 23. It shall be the duty of the auditor to examine in detail all bills, accounts and claims against the city, and if found correct, sign his name in approval; but if found incorrect, he shall return them to the appropriate committee, or the city council with his objections thereto. It shall also be his duty to examine the books of all the officers of the city, and if they should be found incorrect, to make a report of the same to the city council. It shall also be his duty to act as assistant to the city clerk, and he shall render such other services from time to time as the city council may direct, and shall receive for his services such compensation as the city council may determine, not to exceed eighteen hundred dollars per annum, and shall give bond for the faithful performance of his duties in the sum of ten thousand dollars.

Sec. 14. That Section twenty six (26) of said act be and the same is hereby amended so that hereafter it shall be as follows to wit:

Section 26. The city council shall hold stated meetings, and the mayor may of his own motion, or on the application of three aldermen, call special meetings by notice to each of the members of said council, served personally or left at their usual place of abode; provided, that in case of emergency, such as the inability of the mayor, because of serious sickness, or absence from the city, or in the event of the death of the mayor, the city clerk shall, on the application of three aldermen, call a meeting of the council. Petition and remonstrances may be presented to the council in writing only; and the council shall determine the rules of its own proceedings, and be the judge of the election and qualifications of its own members, and punish them for disorderly conduct; and with the concurrence of two thirds of the aldermen elected may expel a member.

Sec. 15. That Section twenty eight (28) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

Section 28. That the city council shall not borrow for general or special purposes more than fifty thousand dollars (\$50,000) in any one year; provided, that this restriction shall not be construed as a limitation upon the power of the council to create and maintain an indebtedness on the part of said city, for all purposes, general and special, not exceeding

in the aggregate the amount of indebtedness authorized by section 132 of this act.

Sec. 16. That Section twenty nine (29) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

Section 29. The city council shall have power to appropriate money to provide for the payment of debts and expenses of the city. In the month of November of each year it shall make a careful estimate of all the probable revenues of the city for the ensuing year, and shall provide for the disbursement and expenditure of the same, as follows:

First—It shall set apart and appropriate to the payment of the interest upon outstanding bonds such amounts as shall have been prescribed by ordinances for that purpose; and shall also set apart and appropriate to the creation and maintenance of sinking funds, for the redemption of said bonds, such amounts as shall have been prescribed by ordinances for that purpose; which said sinking funds shall be invested in bonds of said city in bonds of the State of Texas, or in bonds of the United States as said council may from time to time determine.

Second—It shall reserve a fund of twenty five thousand dollars, to be used only in cases of extraordinary emergency, which could not have been foreseen before their occurrence; but in no event to be used for the ordinary expenses of the city; and whenever there shall remain unexpended any portion of such reserve fund, the same shall constitute a part of such reserve fund for the next ensuing year.

Third—It shall apportion the remainder of the estimated revenue to the several departments of the city government for its general expenses. Any member of the city council who shall knowingly vote for, or in any manner aid or promote the passage or adoption of any ordinance, resolution or other act of the city council, increasing the appropriations for the expenses of the city beyond the estimate aforesaid, unless the actual revenues shall have exceeded such estimate, and in such event beyond such actual revenues, shall thereby vacate his office and shall be deemed guilty of malfeasance in office and upon conviction thereof, shall be punished in the manner and to the extent provided in section thirty one (31) of this act.

Sec. 17. That Section thirty (30) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

Section 30. If the mayor or acting mayor shall sign any warrant, draft, or order for money upon the city treasurer when there are no funds in the treasury to pay the same, the officer so signing such warrant, draft, or order shall be liable to removal from office.

Sec. 18. That Section fifty-one (51) of this act be and the same is hereby amended so that hereafter it shall be as follows, to-wit:

Section 51. To establish standard weights and measures to be used within the city, in all cases not otherwise provided for by law. To require all traders and dealers in merchandise, or property of any description, which is sold by weight or measure, to cause their weights and measures to be tested and subjected to inspection in such manner as may be by ordinance prescribed.

Sec. 19. That Section fifty-two (52) of said act be and the same is hereby amended so that hereafter it shall be as follows, to-wit:

Section 52. To regulate the inspection of beef, pork, flour, meal, salt and other provisions; whisky and other liquors to be sold in barrels, hogsheads, and other vessels, and packages, and of gas metres; to appoint weighers, gaugers and inspectors; and prescribe their duties and

regulate their fees; provided, that such officers shall be entitled to no fees, unless required to exercise the duties of their office, by and at the request of the parties purchasing, selling, or owning such articles; provided, that public weighers appointed by the Governor under authority of the Legislature for the city of Galveston, shall in no way be interfered with, and the produce which they were appointed to weigh, shall not be weighed by the city weighers.

Sec. 20. That Section eighty-two (82) of said act be and the same is hereby amended so that hereafter it shall be as follows, to-wit:

Section 82. The city council shall have power to provide by ordinance for the assessing and collection of taxes aforesaid, and to determine when taxes shall be paid by corporations, and when by the individual corporators; provided, no tax shall be levied unless by consent of two-thirds of the aldermen elected. The license and occupation taxes shall be assessed by the assessor and collected by the collector, and shall be paid to that officer by each and every person and firm owing such license, and before engaging in any trade, profession, business, calling, vocation, or occupation, subject to said tax: that if any person shall engage in any business, calling, vocation, or occupation, which by an ordinance of said city is subject to a license tax, without first having obtained said license, he, she or they shall be liable to imprisonment, and a fine of ten dollars for each day such violation of said ordinance may continue; and this section shall apply to all persons owing any license and failing to pay the same. Said tax levied as herein provided shall not be construed to be a tax on property within the meaning of Section 79 of this act.

Sec. 21. That Section ninety (90) of said act be and the same is hereby amended so that hereafter it shall be as follows, to-wit:

Section 90. Every person, partnership, and corporation, owning property within the limits of the corporation shall, within two months after published notice, hand into the assessor of the city a full and complete inventory of the property possessed or controlled by him, her or them, within said limits, not exempt from taxation, on the first day of January, of the current year, verified as required by ordinance; and any person failing or refusing to comply with the provisions of this section, shall be liable to fine and imprisonment, and the city council shall, by ordinance, clearly define the duties of tax payers herein, and make all necessary rules and regulations to secure the rendition of property and the collection of taxes due thereon.

Sec. 22. That Section ninety one (91) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

Section 91. That it shall be the duty of the city council annually, at such time as they may determine, to appoint three commissioners, each being a qualified voter and the owner of real estate in said city to the value of three thousand dollars, who shall be styled the Board of Appraisement, and whenever the party rendering property for assessment and the assessor cannot agree on the valuation of such property, it shall be referred to said board, and their action in appraising the same shall be final; provided, that at the meeting of said board the owner of the property shall be heard, and due notice of the meeting and session of said board shall be given by publication for ten days. Said board shall also appraise all property assessed as unknown or undrendered, and such appraisement shall be final. The city council shall allow said board such compensation for their services as they may think just and reasonable.



No person connected with the city government shall be appointed on said board, and any vacancy shall be filled by the council.

Sec. 23. That Section one hundred and seventeen (117) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

Section 117. There shall be created a Board of Health which shall consist of six citizens, one from each two contiguous wards, extending from bay to gulf, and three practicing physicians from the city at large, all of whom shall be taxable inhabitants of the city. Five members of the board shall constitute a quorum. They shall be appointed by the mayor with the approval of a majority of the city council, at their first annual meeting, or as soon thereafter as practicable, at a regular meeting. One physician and two citizens shall be appointed for three years, one physician and two citizens for two years, and one physician and two citizens for one year; and annually thereafter the mayor, with like approval, shall appoint one physician and two citizens to be members of the said board for the term of three years, and all vacancies shall be filled in like manner, for unexpired terms. And they shall be subject to suspension or removal as in cases of other officers of the city.

Sec. 24. That Section one hundred and twenty-seven (127) of said act be and the same is hereby amended so that hereafter it shall be as follows, to-wit:

Section 127. The city council shall be invested with full power and authority to grade, shell, repair, pave, or otherwise improve any avenue, street or alley, or any portion thereof, within the limits of said city, whenever by a vote of two-thirds of the aldermen elected they may deem such improvement for the public interest; provided, the city council pay one-third and the owners of the property two-thirds thereof; except the intersection of the streets from lot to lot across the streets, either way, shall be paid by the city alone. Said two-thirds of said costs to be paid by the owners of the property fronting on said thoroughfares, shall be assessed on, or against said property and collected by the city whenever such improvement is completed and accepted by the city council: provided, further, that not more than twenty thousand (20000) superficial yards of such thoroughfares shall be filled, graded and shelled, or filled graded and paved, in any one year.

Sec. 25. That Section one hundred and twenty-eight (128) of said act be and the same is hereby amended so that hereafter it shall be as follows, to-wit:

Section 128. That the city council before beginning any such improvements, shall, for the purpose of acquiring the most reliable information practicable, of the probable cost thereof, cause an estimate to be made of said probable cost by the city engineer, or by some other officer of the city, or by a committee of aldermen; and such officer, or committee, shall also report a full list of all fronting lots or fractional lots with number and size of same, and number of block in which situated, and the names of the owners thereof, and such other information as may be required by the city council; and if there be any lot or fractional lot, the owner whereof is not known, the same shall be entered on said list as unknown; and said officer or committee shall enter in said list, opposite each lot or fractional lot, lying and being on each side of the street, avenue, or alley the improvement whereof is contemplated, one-third of the estimated expense of such work or improvement on such avenue, street or alley, fronting, adjoining, or opposite such lot or fractional lot: upon

consideration of said report of said officer or committee, the council shall determine whether or not the said work or improvement shall be made, and shall proceed accordingly; when said work or improvement is ordered by the council, and shall have been completed, the council shall cause an accurate report of the cost thereof to be made by said officer or committee. As part of said report, said officer or committee shall present a list of the lots or fractional lots lying and being on each side of the street, avenue, or alley so improved, and upon such list of lots or fractional lots shall be entered opposite each lot or fractional lot, one-third of the actual cost and expense of such work or improvement on said avenue, street or alley, fronting, adjoining, or opposite such lot or fractional lot; and upon the acceptance and approval of said report and list by the city council, said amounts shall be imposed, levied and assessed by the city council on said lots or fractional lots respectively, and collected by the collector, and shall be a lien upon the property until paid.

Sec. 26. That Section one hundred and thirty-five (135) of said act be and the same is hereby amended so that hereafter it shall be as follows, to-wit:

Section 135. The territory contained within the boundary of the city of Galveston shall be divided into twelve wards, as follows: The first ward shall contain all the territory lying north of Avenue G, and east of Thirteenth street. The second ward shall contain all the territory lying north of Avenue G, between Thirteenth and Seventeenth streets. The third ward shall contain all the territory lying north of Broadway, between Seventeenth and Twenty-first streets. The fourth ward shall contain all the territory lying north of Broadway, between Twenty-first and Twenty-fifth streets. The fifth ward shall contain all the territory lying north of Broadway, between Twenty-fifth and Twenty-ninth streets. The sixth ward shall contain all the territory lying north of Broadway, between Twenty-ninth street and the western boundary of the city. The seventh ward shall contain all the territory lying south of Broadway, between Twenty-ninth street and the western boundary of the city. The eighth ward shall contain all the territory lying south of Broadway, between Twenty-fifth and Twenty-ninth streets. The ninth ward shall contain all the territory lying south of Broadway, between Twenty-first and Twenty-fifth streets. The tenth ward shall contain all the territory lying south of Broadway, between Seventeenth and Twenty-first streets. The eleventh ward shall contain all the territory lying south of Avenue G, between Thirteenth and Seventeenth streets. The twelfth ward shall contain all the territory lying south of Avenue G, and east of Thirteenth street; provided, that the city council of said city shall have power from time to time to cause a division of said city to be made into as many wards (not less than twelve) as they may deem necessary and for the good of the inhabitants of said city: but no such division shall be made, unless it be done at least three months preceding the city election next ensuing; and said wards so established shall contain, so far as practicable, an equal number of voters; provided, that if any vacancy shall occur in the office of aldermen, while such division is being made, said vacancy shall be filled from the ward where said vacancy occurs, as is now provided by law.

Sec. 27. That Section one hundred and forty (140) of said act be and the same is hereby amended so that hereafter it shall be as follows, to-wit:

Section 140. The city council shall during the second week in February, in each year, cause to be published in a city newspaper, a correct and full statement of the receipts and expenditures from the date of the last annual report, together with the sources from whence the funds are derived, and showing for what purpose disbursed: the condition of the treasury, together with such information as may be necessary to a full understanding of the financial condition of the city.

Sec. 28. That Section one hundred and forty two (142) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

Section 142. There shall be a digest of the ordinances of the city, which are of a general nature, published within six months—or as soon as practicable thereafter—from the first Monday in March in 1883, and a like digest within every period of five years thereafter; provided, it shall be the duty of each city council, to cause to be printed in pamphlet form at the end of each municipal year all the ordinances passed for the preceding year.

Sec. 29. That Section one hundred and forty seven (147) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

Section 147. No person other than an elector, resident of the city, shall be appointed or elected to any city office.

Sec. 30. That Section one hundred and forty eight (148) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

Section 148. Resignation by any officer authorized by this act to be appointed by the mayor, or appointed by the mayor and elected by the city council, shall be made to the mayor in writing, for his action.

Sec. 31. That Section one hundred and fifty one (151) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

Section 151. That when charges are so preferred against the mayor, they may be filed with either of the aldermen, whose duty it shall be to call the aldermen together, and when so assembled they shall proceed to elect one of their number to preside during said investigation, and for the purposes of said trial; the presiding officer so elected shall perform the duties of mayor, and the trial shall proceed as provided for in the last preceding section.

Sec. 32. That Section one hundred and fifty-seven (157) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

Section 157. No member of the city council shall hold any other employment or office under the city government while he is a member of said council, unless herein otherwise provided; and no member of the city council, or any officer of the corporation shall be directly or indirectly interested in any work, business or contract, the expense, price or consideration of which is paid from the city treasury, or by an assessment levied by an ordinance or resolution of the city council, nor be the surety of any person having a contract, work or business with said city, for the performance of which security may be required. Any alderman or officer of the city violating the provisions of this section shall forfeit his seat in the council or office, and shall thereafter be ineligible to any office in or under the city government.

Sec. 33. That Section one hundred and fifty eight (158) of said act

be and the same is hereby amended so that hereafter it shall be as follows, to wit:

Section 158. The members of the city council shall be exempt from jury service during the term of office; each alderman shall be fined seven dollars for every meeting which he fails to attend, unless on account of his own sickness. Any member of the city council remaining absent for three consecutive meetings thereof, whether such meetings be regular, adjourned, special, or called meetings, seven days intervening between such meetings, without first having obtained leave of absence at a regular meeting shall be deemed to have vacated his office, and the mayor shall cause the vacancy to be filled in accordance with the charter.

Sec. 34. That Section one hundred and fifty nine (159) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

Section 159. The city council shall have power to prescribe the duties of all officers and persons appointed or elected to any office or place whatsoever under this act. Subject to the provisions of this act, to revoke any license given under this act; to remit in whole or in part, and on such conditions as shall be deemed proper, by a vote of two thirds of all the aldermen elected, any fine or penalty belonging to the city, which may be imposed, or incurred under this act, or under any ordinance or resolution passed in pursuance thereof.

Sec. 35. That section one hundred and sixty one (161) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

Section 161. The city council shall, on or before the first day of January, in each and every year, fix the annual salary of all officers appointed or elected under this act, except those whose compensation is fixed by this act, and the compensation or salary so fixed shall not be changed during the year, for which the same are fixed.

Sec. 36. That section one hundred and seventy (170) of said act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

Section 170. That no officer of this city shall receive a larger compensation for his services than at the rate of three thousand dollars per annum, and that no officer shall receive fees.

Sec. 37. That section one hundred and seventy one (171) of this act be and the same is hereby amended so that hereafter it shall be as follows, to wit:

Section 171. No salary not fixed or limited in this charter, shall exceed eighteen hundred dollars (\$1800) per annum for any office which the city council are authorized to create.

Sec. 38. There shall be elected on the first Monday in March, 1884, one alderman in each of the odd-numbered wards, who shall hold their offices for one year and until their successors are elected and qualified. The first biennial election under this act shall be held on the first Monday in March 1885.

Sec. 39. That all laws and parts of laws in conflict or inconsistent with the provisions of this act be and the same are hereby repealed.

Sec. 40. Whereas, an urgent necessity requires it, and a great public emergency exists that the city of Galveston shall have better defined power to improve its streets and secure the better government of said city, it is hereby enacted that this act shall take effect and be in force from and after its passage, and the near approach of the election in said

city, and the early closing of the session of the Legislature, causes an imperative public necessity which justifies a suspension of the rule requiring this bill to be read on three several days and it is so suspended

Approved March 7th, 1883.

Takes effect from passage.

No. 2.—An Act for the relief of J. W. Chowning, H. Chowning, J. R. Sumner, W. P. Bean, R. F. Jones, J. A. Creager, J. P. Wilson, George W. Darby, C. M. Byars, J. A. Stingley, T. W. Linkhart & Co., T. W. Robinson and Ull Musick, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas: That the Commissioner of the General Land Office be, and is hereby required to issue to T. W. Robinson as trustee for J. W. Chowning, H. Chowning, J. R. Sumner, W. P. Bean, R. F. Jones, J. A. Creager, J. P. Wilson, George W. Darby, C. M. Byars, J. A. Stingley, T. W. Linkhart & Co., T. W. Robinson and the heirs of Ull Musick, patents for all State school section number 18, for 640 acres of land, and the north half of State school section No. 64, for 640 acres of land; both of said sections being in block No. 12 of the Houston and Texas Central Railroad surveys situated in Wilbarger county, Texas; the same being the land on which the town of Vernon, the county seat of Wilbarger county is now situated; provided, that the said T. W. Robinson, trustee as aforesaid shall within thirty days after the passage of this act, pay to the Treasurer of the State the sum of two dollars per acre for said land, and file the Treasurer's receipt for the same in the General Land Office and shall pay all fees due the State for the issuance of patents to the same.

Sec. 2. The near approach of the close of the session creates an imperative public necessity for suspending the rule requiring this bill to be read on three several days, said rule is therefore suspended.

Approved March 13, 1883.

Takes effect ninety days after adjournment.

No. 3.—An Act to amend Sections 7, 14, 21, 33, 35, 36, 40, and 45 of an Act incorporating the city of Houston in Harris county approved April 21st A. D. 1879 and Sections 23 and 31 of said Act as amended by an Act of the Legislature of the State of Texas, approved March 9th A. D. 1881 and substituting the following Sections therefor.

Section 1. Be it enacted by the Legislature of the State of Texas: That Sections 7, 14, 21, 33, 35, 36, 40 and 45 of an Act incorporating the city of Houston approved April 21st A. D. 1879 and Sections 23 and 31 of said Act as amended by an Act of the Legislature of the State of Texas, approved March 9th A. D. 1881, be so amended as to hereafter read as follows.

Section 7. That each ward in the city shall be represented in the city council by two aldermen, who shall hold office for two years and until their successors are elected and qualified: said aldermen shall be elected by the qualified voters of the ward for which they stand, who

shall vote only in their respective wards. No person shall be competent to fill the office of alderman unless he be at the date of his election a qualified voter of the city, a freeholder therein and a bona fide resident of the ward for which he is elected.

Section 14. That there shall be a secretary and treasurer, a city marshal and an assessor and collector of taxes, who shall be nominated by the mayor and confirmed by a majority vote of all the aldermen elected, to be taken by ballot. Said officers shall hold their respective offices for two years, and until their successors are duly qualified, unless sooner removed by the city council. The assessor and collector shall have authority to appoint one or more deputies, for whose acts and conduct he shall be responsible, and such deputy or deputies shall have power to perform any act which may be performed by the assessor and collector in person.

Section 21. That the by-laws and ordinances of the city shall be enforced by fine not to exceed one hundred dollars, or by imprisonment in the city prison not to exceed thirty days, or by both fine and imprisonment. Provided: that no ordinance or by-law shall provide a less penalty than is prescribed for a like offense by the laws of the State. The city council may provide by ordinance for the commutation of fines imposed, by labor in a work house, on the streets or public works, and for the collection of any fine imposed execution may be issued from the mayor's court, in the name of the mayor, aldermen and inhabitants of the city of Houston, against the goods and chattels, lands and tenements of the person offending.

Section 23. That the city council shall have the exclusive control and regulation of all streets, alleys, public grounds and highways within the corporate limits of the city, and shall have power to abate and remove encroachments or obstructions thereon in a summary manner; to open, alter, widen, extend, establish, grade, clean, pave or otherwise improve the same: to put drains and sewers therein, to permit, prevent and regulate the laying of gas and water mains and pipes therein, to compel any person using the streets or sidewalks for the purpose of laying gas or water mains and pipes, or for building or other purposes, to repair said street or sidewalk so used by them, to prevent any street or sidewalk from being dug up, or excavations to be made therein, unless the same be done with the permission of the city council and under the direction of the city engineer, to prevent the encumbering thereof in any manner, and generally to protect the same from any encroachment or injury: to regulate, establish and change the grade of all sidewalks, streets and premises, and to require and compel the filling up and raising of the same: to construct, regulate and keep in repair all bridges, culverts, sewers and crossings: and to control and regulate the use of the same. The city council shall have full power and authority to construct, regulate and keep in repair all necessary sidewalks and foot ways, to grade and fill up the same, to regulate the use and abate and remove any encroachments or obstructions thereon, and to punish any person by fine and imprisonment who shall encroach upon or obstruct the same, or who shall fail to have such encroachments withdrawn or such obstructions removed after being notified by the proper officer to remove or withdraw the same, and each day such encroachments or obstructions are permitted to remain after such notice is served shall constitute a separate offense. The council shall fix and determine the nature and extent of such sidewalk improvements, and decide as to the kind of material to be used, and the cost of the construc-

follows: One certificate for one-half the sum assessed against each property owner when the respective block in which such owners property is situated, shall have been completed and one certificate for the balance, upon the completion of the contract and the acceptance of the work by the mayor. Such certificate shall bear interest from the date thereof, at the rate of eight per cent per annum, which rate shall be expressed therein, and when issued in accordance with the provisions of this section shall be evidence that all the requirements and prerequisites of the law have been complied with. Should the property owner fail to pay the amount of such certificate when the same becomes due, the owner thereof may institute suit for the enforcement of the tax, and the foreclosure of the lien provided for, in any court having jurisdiction. Provided that the city alone shall pay for the improving of the intersections of the streets from block to block across the street either way: and provided further, that no one shall be made to pay for any improvement done on any street that may be paved or otherwise improved as hereinbefore provided, save for the proportional part of the street that may be in front of his property, and that any railroad or street railway company shall be liable for any grading, paving or other improvement made upon any portion of said streets used or occupied by such companies. To secure the safety and convenience of passing in the streets, sidewalks and other places in the city, to fix the squaring, and to prevent encroachments and obstructions on the streets, sidewalks, squares, ways, levees and public roads and places, to fix the place for anchoring all water craft on Buffalo Bayou: to establish an active system of inspection over the conduct of persons and premises, to prevent cattle, horses, swine, goats, geese and animals from running at large in the streets or within such prescribed limits as may be established by the city council, to establish and maintain a city police, prescribe the duties of policemen and regulate their conduct; to provide for lighting the streets, and for this purpose may establish gas works for the manufacture of gas for the use of the city and inhabitants thereof at cost price, to determine in what part of the city slaughter houses, bone boilers, soap makers or other establishments for any business which is or may be injurious to the value of adjacent property or unwholesome or disagreeable to the occupants of adjacent property, shall not be allowed to be erected, to determine in what part of the city wooden buildings shall not be erected, within the limits prescribed no person shall be permitted to erect such buildings: to prevent gun powder or other explosive material, kerosene oil or other inflammable oils being stored within the city limits in such quantity as to endanger the safety of adjacent property; to provide means for the protection against an extinguishment of conflagrations and for the regulation, maintenance and support of a fire department: to permit or forbid theatres, balls or other public amusements and to suppress the same whenever the preservation of order, tranquility, or public safety may require: to close dram shops, drinking saloons and other places where intoxicating liquors are sold, whenever necessary or expedient: to define what shall be nuisances in said city, and to abate them by summary proceedings: to provide a work house for vagabonds and disorderly persons who are unable to pay fines, and to make regulations concerning the same; to regulate weights and measures in the city, affix penalties for violation, fix standards, &c.; also that the city council may provide, own and maintain water works for the use of the city and its inhabitants; to provide and keep a city prison; to make all needful and

proper regulations concerning bakers, butchers, keepers of taverns, grog shops and other public houses, draymen, horse-drivers, water carriers, omnibus drivers, hack drivers and drivers of baggage wagons, and especially to preserve order and prevent noise and confusion in and about the several depots on the arrival and departure of railway trains; to prevent extortion by carriers of passengers or baggage, hacks, drays and all public conveyances, by establishing maximum rates of charges, to direct and control the laying and construction of railroad tracks, turnouts and switches, and to require that they be constructed and laid so as to interfere as little as possible with the ordinary travel and use of streets: to require railroad companies to keep the streets through which they run in repair, and to light the same whenever deemed necessary; to construct and keep in repair bridges and crossings at the intersection of streets and avenues and over all ditches, sewers and culverts on the line of the railway; to regulate the speed of engines and locomotives within said city; to control and regulate everything concerning street railways, and generally to make and establish all rules, regulations, by-laws and ordinances which may contribute to and promote the better administration of the affairs of said city, as well as for the maintenance of the peace, tranquility and safety of said city, and for the protection of the persons and property of its inhabitants. The city council of the city of Houston are hereby empowered and authorized to take and condemn land and real estate in said city to the public use, viz: for streets, alleys and public highways, for extending, straightening and widening those streets now in use, for public wharves and landing places for steamers and other water craft, and for public squares, parks and pleasure grounds. For the condemnation of any land or real estate, the following proceedings shall be had: The city attorney or attorneys employed by the city for that purpose, shall file a petition in the District Court of Harris county against the owner of the land or real estate sought to be condemned for any of the purposes aforesaid, setting forth; first, the name or names and residence of the owner or owners, if known, and if unknown, the same shall be stated; second, the description by metes and bounds of any actual survey had for that purpose, of the land or real estate sought to be condemned; third, the purpose for which the same is proposed to be taken and applied; fourth, the supposed value of the property to be condemned; fifth, the prayer that the same be condemned to the public use for the purpose stated, and upon the filing of such petition, like proceedings shall be had thereon as in other civil suits, and when personal service cannot be had by reason of the defendant being a non-resident, or unknown, service by publication shall be made as provided in other cases in the district court, and upon trial the court shall proceed to render judgment, condemning the land to the public use, upon the payment of the value thereof as assessed by the jury, and upon any suit being brought thereafter against the said corporation for such property so condemned, a copy of the judgment and an actual tender of the money in court shall be sufficient answer in bar of a recovery in any such suit. All costs of proceedings for the condemnation of land and real estate under this act shall be taxed against the plaintiffs, including reasonable fees of the attorney, which the court shall appoint to represent the defendant when cited by publication. No person shall erect any building or fence in the city of Houston without first obtaining a permit in writing from



the mayor and having the lines of his property established by the city engineer.

Sec. 31.[21] That the city council shall have power by ordinance annually to levy, assess and collect a tax not exceeding two per cent ad valorem, upon all real and personal property in the city of Houston not exempt from taxation, and to determine when taxes shall be paid by corporations, or by the individual incorporators, and to levy, assess and collect from each male citizen of the city, over the age of twenty-one years, an annual poll tax of one dollar. All taxes upon real estate shall be a lien and charge upon the property, which lien may be foreclosed, and the tax collected by suit, in any court having jurisdiction. All taxes not paid within the time prescribed by the ordinances shall bear interest at the rate of ten per cent per annum. All real and personal property held, owned or situated in the city of Houston shall be liable for all taxes due by the owner thereof, including taxes on real estate, personal property and poll tax, and all personal property may be levied upon, seized and sold by the assessor and collector, for any taxes that may be due, without further warrant of authority than the production of his tax roll, which sale when made shall convey a perfect title to the purchaser thereof. It shall be the duty of every person owning, or holding property in the city of Houston to render to the assessor and collector of taxes at his office in said city annually, within the time prescribed by the ordinances of said city, a full and complete inventory of all property so owned or held by him, whether real or personal and to take and subscribe an oath as to the correctness of such inventory, which oath may be administered by the assessor and collector in person or by deputy. All taxes shall be payable at the office of the assessor and collector, and no demand by him shall be requisite or necessary to enforce the collection thereof by any proceedings herein prescribed. The assessor and collector shall inventory and assess all property which the owners thereof may fail or refuse or may have failed or refused to inventory and assess for any previous year, which inventory and assessment when so made by him shall be as valid and effective as if made by the owner thereof.

Section 33. That the city council may and shall have full power to provide by ordinance for the prompt collection of all taxes levied, assessed and due or becoming due to said city, and to that end may and shall make such rules and regulations and pass such ordinances as it shall deem necessary to the levying, laying, imposing, assessing and collecting of any of said taxes, and to regulate the mode and manner of making out tax lists and inventories, and the appraisalment of property thereon, and to prescribe the oath that shall be administered to each person on such rendition of property, and to prescribe how and when property shall thus be rendered; and to fix the duties and define the powers of the assessor and collector of taxes; and adopt such measures as they may deem advisable to secure the assessment of all property in the limits of the city, and collect the taxes thereupon in current money of the United States; or otherwise as herein provided, and may by ordinance provide that any person, firm or corporation having or controlling property in said city, subject to taxation, and failing and refusing to render a list, inventory and appraisalment thereof, verified as may be required by any ordinance of said city shall be liable to fine and imprisonment; that the city council shall appoint annually from its own members, at such times as it may determine, three appraisers, who shall be styled the Board of Appraise-

ment and whenever the party rendering the property for assessment, and the assessor and collector can not agree in the valuation of such property, it shall be referred to said board and their action in appraising the same shall be final, unless notice of dissatisfaction with said action is given within five days after their decision; and the party giving such notice shall have the right of appeal to the council. It shall be the duty of said board of appraisement to meet at least once during every year, and carefully to examine the values of property rendered to the assessor and collector, and rendered by him for delinquents, and if it shall appear to said board that the values assessed are too low or too high, they shall have full power to raise or lower the same, and from the action of said board there shall be no appeal. Said board shall not raise the value on any property assessed for taxation by the owner thereof without first notifying such property owner of its intention to so raise the same, which notice shall be directed to the person giving in the assessment, and deposited in the post office in the city of Houston, and said notice shall be mailed at least three days before any action is taken by the board. The raising of the value of any property by said board shall be prima facie evidence that all requirements of the law have been complied with. The city council may if it sees proper adopt, as circumstances will permit, the same mode and manner of assessing and collecting taxes as may be prescribed by law for assessing and collecting State taxes, and all taxes due the city may be collected by an action of debt in any court having jurisdiction. The assessment roll shall be taken as prima facie evidence of the statement made therein, and the city shall have the equal right to become the purchaser at all the sales of property for taxes due it, made under judgment or otherwise. Nothing but current money of the United States shall be collected or received in payment of taxes and licenses due or hereafter assessed, and scrip which may be issued for pavement of streets and constructing side walks, and for city water works, which shall express upon its face the purpose for which it is issued, and coupons and script made receivable for taxes on the face thereof shall be receivable for all taxes except the bond tax.

Sec. 35. That it shall not be necessary in any action, suit or proceeding in which the mayor, aldermen and inhabitants of the city of Houston shall be a party, that any bond or security shall be given, but all actions, suits or proceedings shall be conducted as if such bond or security had been given and in all judicial proceedings it shall be sufficient to plead any ordinance of the city by caption without embodying the entire ordinance in the pleadings; and all printed ordinances or codes of ordinances shall be admitted in evidence in any suit, and shall have the same force and effect as the original ordinance. The property, real and personal, belonging to the city shall not be liable to be sold or appropriated under any writ of execution, nor shall the funds belonging to the city in the hands of any person be liable to garnishment, nor shall the city or any of its officers or agents be required to answer to any writ of garnishment.

Sec. 36. That the following property shall be exempt from taxation, to wit: All lands used exclusively for graveyards, or grounds for burying the dead, except such as are held by any person, company or corporation with a view to profit, or for the purpose of speculation in the sale thereof; all buildings belonging to institutions of purely public charity, together with the lands belonging to and occupied by such institutions,

not leased or otherwise used with a view to profit, and all moneys and credits appropriated solely to sustaining such institutions, together with such other property as is exempt from taxation by the laws of the State of Texas.

Sec. 40. That all works of improvements and public works for said city, the cost of which will exceed the sum of one thousand dollars, shall be let out to the lowest or best bidder in the discretion of the council, by sealed proposals, and no contract shall be made or entered into, until the plans and specifications for such work or improvement shall have been prepared and submitted to the council and adopted by it, and an advertisement published in at least four issues of some daily paper published in the city, inviting bids therefor, and stating the time when such sealed proposals will be opened. Provided: that if no bids be received or those received be rejected by the city council, the city may in its discretion proceed to have such work or improvement done under the direction of a committee from its membership. City printing and all repairing of bridges or other similar work, of which it is manifestly impossible to make specifications, are not embraced in this requirement. No bid shall be considered unless made in accordance with the plans and specifications, and no allowance for extra work shall ever be made or paid for. The sealed proposals shall be addressed to the city secretary and treasurer, and shall only be opened in the presence of the city council, at a regular meeting. Bond and security to be fixed and approved by the city council shall be required of all contractors. The taking of any contract, or any interest therein, openly or secretly, directly or indirectly, by any officer of the city, shall ip[s]o facto work a forfeiture of the contract and the consideration thereof, and shall create a vacancy in the office held by the party taking the same.

Sec. 45. That this act shall be deemed a public act, and judicial notice shall be taken thereof in all courts. No general law hereafter passed by the Legislature of the State shall be held to repeal any power herein granted, or which is now vested in the corporation of Houston, unless the act conferring such power be specially referred to in such repealing act. Whereas there are no laws in force, providing for the paving, improving and repairing of the streets and sidewalks of the city of Houston and for the collection and enforcement of the taxes due to the corporation, and said corporation is greatly in need on that account, there exists an imperative public necessity for dispensing with the constitutional rule requiring this bill to be read on three several days in each house of the Legislature, and an emergency exists which requires this act to take effect from and after its passage, and it is so enacted.

Approved March 13, 1883.

Takes effect after passage.

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No. 4.—An Act to authorize and grant to E. S. Crosby the right to construct, maintain and use a boom across the Brazos river in McLennan county, for the stoppage of floating material.

Section 1. Be it enacted by the Legislature of the State of Texas: That E. S. Crosby of McLennan county, his heirs and assigns are hereby

authorized, and the right and privilege is hereby granted him for the period of ten years, to construct, and for said period of time to maintain and use a boom across the Brazos river in said county, within one mile of the suspension bridge across said river in the city of Waco; which boom is to be used for arresting the progress of timber, wood, lumber and other material floating on said river; provided, said boom shall be so constructed as to provide at one end thereof, a passage way that may be opened for the passage of boats up and down said river, but such boom shall not be required to be opened when the same is under tension by reason of floating material pressing against it; provided further, that said boom shall only be used when necessary to catch the timber being floated by him the said Crosby, and shall be constructed so as not to interfere with the right, nor cause delay to any one, nor interfere with any one who may be engaged in a like business.

Approved March 20, 1883.

Takes effect ninety days after adjournment.

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No. 5.—An Act defining the boundaries of the corporation of the city of Gonzales, for municipal purposes.

Section 1. Be it enacted by the Legislature of the State of Texas: That the boundaries of the city of Gonzales, for municipal purposes, shall be as hereinafter described, to wit: Beginning at a point on the Guadalupe river where a street that divides Ranges one (1) and two (2) west of Water street, intersects said river; thence north along the centre of said street or road to the northwest corner of Block No. 4, in Range No. 1, west of Water street; thence east along the north boundary line of said block No. 4, to the north boundary line of lot No. 7, on North Avenue; thence east along the north boundary lines of lots numbered seven (7) in Ranges Nos. 1, 2, 3 and 4, east of Water street, to the centre of the street dividing Ranges Nos. 4 and 5; thence south with the centre of said street to the east boundary line of Lot No. 6 in tier on No. 2 on East Avenue; thence south with said east boundary of Lot No. 6, across East Avenue and with the east boundary line of Lot No. 6, in Tier No. one (1), south to a point opposite the south east corner of Green Dewitts homestead lot; thence with the south boundary line of said Green Dewitt's lot to the Guadalupe river; thence up said Guadalupe river with its meanders, to the point of beginning.

Sec. 2. Be it further enacted: That the boundaries of the said city of Gonzales shall not be extended except by the consent or vote of a two-thirds majority of the legal voters residing upon the territory proposed to be annexed to the said city of Gonzales.

Sec. 3. Be it further enacted: That whereas an imperative necessity exists for the immediate passage of this act, and for the suspending of the rule requiring bills to be read on three several days, therefore said rule is hereby suspended and this act shall be in force and take effect from and after its passage.

Approved March 24, 1883.

Takes effect after passage.

No. 6.—An Act to provide for the patenting and disposition of the lands situated in Medina county State of Texas, for which certificates were issued by the State to Henry Castro, in trust for school and church purposes.

Section 1. Be it enacted by the Legislature of the State of Texas: That the lands heretofore granted to Henry Castro in trust for church and school purposes, lying and being situated in Medina county State of Texas, for the benefit of the people of said Medina county, shall be patented to the said Medina county, in trust for the benefit of the public free schools of said county.

Sec. 2. That the Commissioner of the General Land Office of the State of Texas is hereby authorized and directed, as soon after the passage of this act as possible, to patent all of said lands granted to the said Henry Castro, in compliance with section first of this act, and deliver said patents to the commissioners court of said Medina county.

Sec. 3. That said lands from and after the issuance of said patents shall be subject to sale, and proceeds of said sale disposed of by the commissioners' court of Medina county under the same rules and regulations as are provided in Title LXXXI, Chapter 3, page 581 of the Revised Statutes of the State of Texas.

Sec. 4. Whereas the said lands are lying unoccupied, unimproved and useless to the people of said Medina county, and that the people of said county need the proceeds from sale of said lands for the benefit of the public free schools of said county, creates a public emergency that the constitutional rule requiring bills to be read on three several days before their final passage be suspended, that said constitutional rule be, and the same is hereby suspended, and that this act take effect from and after its passage.

Approved March 24, 1883.

Takes effect after its passage.

No. 7.—An Act amendatory of an act approved August 9th 1876 entitled "An Act to incorporate the city of Dallas, and grant a new charter to said city" and the amendments thereto.

Section 1. Be it enacted by the Legislature of the State of Texas: That the following numbered Sections of the charter of the city of Dallas be amended so as to hereafter read as follows:

Sec. 2. That the bounds and limits of the city of Dallas shall be as follows: Beginning at a point on the north corporation line of the present corporate limits of said city, where the track of the Missouri Pacific railroad crosses said line; thence with the line of said railroad to a point where said railroad track crosses the northwest line of the John Grigsby league; thence north 46½ east, with said league line the division line between both No. 8 and No. 9 of said league; thence with said division line south 54 east through to the southeast line of said league; thence with said southeast league line in a southwesterly direction to the south corner of said league; thence north 42 west with the southwest line of

the said league, to a point where the said line intersects the south line of the present limits of said city, as established by an act of the Legislature approved August 9th 1876 entitled "An Act to incorporate the city of Dallas and grant a new charter to said city;" thence westerly with said present south line to the Trinity river; thence up said Trinity river to the northwest corner of said present corporation; thence with the north line of said present corporation to the place of beginning; provided: That the new territory added to the city of Dallas by this act shall not become a part of said corporation until a majority of those living in said new territory who are qualified to vote for members of the Legislature shall have voted to have such territory added to said city: when a majority of such qualified voters shall have so determined, from such date such territory or any part thereof as set out in petition and determined by vote shall for all purposes become a part of said city of Dallas. Whenever as many as forty qualified voters shall petition the county judge of Dallas county, he shall order an election to be held in the territory added by this act, or sought to be added as set out in the petition, and he shall appoint judges to hold such election under the forms of law, and he shall appoint a time and place for said election to be held, and give public notice thereof for twenty days by publication in some daily newspaper published in the city of Dallas. The county judge shall issue an order for the election within ten days after the aforementioned petition is filed with him, and within ten days after the election is held shall announce the result to the city council of the city of Dallas, who shall pass such ordinances as are necessary to have surveyed and fully defined the boundaries of the new addition to said city. The county judge shall not order an election for the above purposes unless the petition is first approved by a majority of the board of aldermen of the city of Dallas.

Sec. 2. That section 21 of the charter of the city of Dallas be amended so as to read as follows:

Section 21. The city council may at any time after the adoption of this act, by ordinance establish the office of recorder of said city and order the election of a suitable person to fill the same, and when elected and qualified he shall be the chief judicial magistrate of the city, and shall hold his office until his successor is elected and qualified, the election of whom shall be at the next general election of city officers, and as such shall hold a court within said city by the name of recorder's court of the city of Dallas, which said court shall have concurrent jurisdiction and cognizance of all misdemeanors, breaches of the peace, infractions of the ordinances, and all other causes arising under the laws of said city: and said court shall also have concurrent jurisdiction of all misdemeanors arising under the criminal laws of this State within said city limits, in which the punishment is by fine only, or by fine or by imprisonment, or by both: provided, that no fine shall exceed two hundred dollars, or period of imprisonment exceed thirty days in the city jail; and provided further, that said court shall have concurrent jurisdiction of all cases for keeping disorderly houses, or houses of prostitution within the limits of said city. And said court shall be deemed always open for the trial of said causes. Said court shall have full power, authority and concurrent jurisdiction in all cases arising under the ordinances of said city, or the State law as hereinbefore limited; and over any breaches and violations thereof, and of any and all persons thus offending including vagrants, gamblers, prostitutes and keepers of disorderly houses, and to try and

determine all suits, accounts and complaints charging a violation of any ordinance or aforesaid laws, and may grant new trials on motion in writing, showing sufficient cause and duly sworn to; and all prosecutions, trials and proceedings had in said court under this act shall be governed by the laws and rules regulating trials and prosecutions and proceedings in justice's court, in force at the time, and shall be a bar to prosecutions for the same offence in other courts. Said officer shall be entitled to such compensation for his services as the council may provide: provided, the city shall pay no costs; and to such additional compensation as may be allowed by the laws and ordinances of the corporation. The recorder may require of any person arrested under the provisions of this act, a bond for his or her good behavior, and to keep the peace, or for his or her appearance before said court with two good and sufficient sureties, which bond, as well as all other bonds taken in any proceeding in said court shall be payable to the city of Dallas. He shall have full power and authority to issue subpoenas for witnesses, and to compel their attendance by process of an attachment. He may punish all contempts by fine or imprisonment, or either; may issue subpoenas, writs of *capias*, warrants of arrest, search warrants, executions and all process known to law which a justice of the peace of this State may lawfully issue: and all of said writs and process shall run in the name of the city of Dallas, be issued, served and executed in the same manner as the like process would be when issued by a justice of the peace, unless herein otherwise provided. He shall also have full power and authority to administer official oaths, and all oaths and affirmations, and give certificates therefor. The recorder shall be *ex officio* justice of the peace, and he shall possess and execute in the city in criminal cases all the powers and duties of such officer, and shall have the same authority and like power with justices of the peace in the prevention and suppression of crime; provided, that in no case shall he entertain jurisdiction in civil suits. The city council may determine what costs, if any, shall be charged for proceedings in, and for all process issued in said court, and shall allow the judge thereof for his services such salary or fees, or either, or both, as they deem necessary; and the recorder shall perform such other duties as may be prescribed by any ordinance of said corporation that may properly and lawfully be required of said officer as the judge of said court, and as are not inconsistent with the laws and Constitution of this State: provided, that all money collected from fines of whatever character imposed by the recorder, shall be paid into the city treasury for the use of the city, and provided further, that until the said office of recorder is established, and a recorder is elected, or when the same shall be discontinued, or a vacancy occur therein, the mayor of the city shall possess and execute all the powers and duties of recorder, holding a court which shall be known as the mayors court as set forth in this section, and that may be imposed by ordinance of the city, and shall receive for his services such compensation as the council may provide.

Sec. 3. That Section 41 of the charter of the city of Dallas be amended so as to read as follows:

Section 41. The city council shall have power and authority by ordinance to regulate, control and prohibit the carrying of weapons within the limits of the city of Dallas.

Sec. 4. That Section 66 of the charter of the city of Dallas be amended so as to read as follows:

Section 66. The city council shall have power to abate all nuisances

which may injure or affect public health, in any manner they may deem expedient within the city limits, or within three thousand (3000) feet of the corporate lines of said city.

Sec. 5. That Section 28 of the charter of the city of Dallas be so amended as to read follows:

Section 28. The mayor and aldermen shall constitute the city council of the city. The city council shall meet at such times and place as they by resolution shall direct. The mayor when present shall preside at all meetings of the city council, and shall have in all cases a casting vote, but in elections he shall vote as other members of the council. In his absence, and the absence of president pro tem any one of the aldermen may be appointed to preside.

Sec. 6. That Section 58 of the charter of the city of Dallas be amended so as to read as follows:

Section 58. The city council shall have power to fix the compensation of all city officers, and to regulate the fees of all jurors, witnesses and others rendered under the charter and ordinances of said city. Whenever the city council as provided by the charter shall fix the compensation to be paid any officer, whether elected by the people or the council, they shall make the same payable monthly out of the city treasury, and no officer shall be allowed any fees or perquisites of office, but all costs and penalties shall go into the general sinking fund. No officer's salary shall be fixed at a sum to exceed fifteen hundred dollars (\$1500) per annum, except the salary of assessor and collector, which shall not exceed three thousand dollars (\$3000) per annum; provided, that the compensation of no officer of the corporation shall be diminished during his term of office.

Sec. 7. That Section 62 of the charter of the city of Dallas as amended by an act of the Legislature approved April 5th 1881 be so amended as to read as follows:

Section 62. The city council shall have the right to enact all necessary ordinances, to restrain and punish vagrants, mendicants, street beggars and prostitutes to locate, restrain punish and control all disorderly houses of prostitution or assignation, and the keeper and inmates thereof; to regulate, punish or control all gambling, and the keepers of games and gambling houses, and those who bet on games and gambling devices, where there is an ordinance of the city of Dallas in force punishing this or any other misdemeanor with as great a penalty as the same is punished by the Statutes of the State. The mayor's court of the city of Dallas shall have concurrent jurisdiction of such misdemeanors when committed in the corporate limits of the city of Dallas.

Sec. 8. That Section 77 of the charter of the city of Dallas be amended so as to read as follows:

Section 77. The city council shall have the sole authority to grant the right to any person or persons, corporation or company to make and construct street railways in any street in said city and to regulate and control the same and the use thereof; provided, the owners of a majority of front feet on the street along which said railway shall run are willing; the frontage to be calculated, not by blocks, but by the entire length of the proposed line, and on both sides of the street so proposed to be occupied, and provided also, it shall not require the consent of the property owner to the construction of said street railway across any street.

Sec. 9. That Section 82 of the charter of the city of Dallas as



amended by an act of the Legislature approved April 5th 1881 be amended so as to read as follows:

Section 82. The city council shall have power to pass, publish, amend or repeal all ordinances, rules and police regulations not contrary to the Constitution of the State, and necessary for the order or good government of the city, or the trade, commerce and health thereof or that may be necessary and proper to carry into effect the powers vested in the corporation, or any of its officers, by the act of incorporation of date August 9th A. D. 1876, and this and other amendments thereto; to enforce the observance of all such ordinances, rules, and police regulations, and to punish violations thereof by fines and imprisonment, or either, or both, or by work on the streets or other public works as may be provided by ordinance, and required by the judgment of the court; provided, that no fine shall exceed two hundred dollars (\$200), and no period of imprisonment shall exceed thirty days in the city jail; and for any fine, penalty, and costs imposed by the mayor or recorder, in the trial of any cause or complaint before him, executions may issue to collect such fines and costs, to be levied and executed in the same manner that executions are from justices of the peace courts. The same shall be issued by the mayor or recorder to the marshal, who in levying on property and selling shall have like power and authority as the sheriff of the county, in executions issued from the district or county courts, and the laws of the State so far as applicable shall apply to and be in full force and effect as to the executions issued from the mayor's or recorder's court. Any person upon whom any fine or penalty is imposed may be committed until the payment of the same with costs; and on default thereof may be imprisoned in the city prison, or may be required to work on the streets, or other public works of the city for such time, and in such manner as may be provided by ordinance; provided, such imprisonment shall not exceed thirty days.

Sec 10. That section 174 of the charter of the city of Dallas be amended so as to read as follows:

Section 174. The city council shall have power by ordinance to cause to be graded, paved, macadamized or graveled or otherwise constructed, improved or repaired all streets, sidewalks, alleys and public highways including cross streets, in the limits of the city of Dallas, at such time, to such extent, and out of such material and under such regulations as the city council may provide by ordinance; provided, that the owners of property bordering on a street or sidewalk so improved, shall pay pro rata according to frontage of property thereon, the expense of such improvement so ordered; the city council shall have improved in the same manner as the rest of the streets all the intersections of streets where they cross the streets so improved, and to the middle of the street where another street enters but don't cross the street being so improved. This improvement of intersections and abutments of other streets to be paid for out of the general fund. The work shall be done as follows. Whenever the city council determine by ordinance that such work shall be done, and the manner and extent of the same, they shall advertise for bids giving the plans, specifications and extent of improvement. The work shall be let to the lowest responsible bidder in the discretion of the city council, and with such bond as the council may determine. The city council shall levy a special tax on the property fronting or abutting on said streets so improved, pro rata according to number of feet of front or abutment, and said tax shall

be levied as soon as convenient after contract is let, and the time of payment of same, and when it shall become delinquent shall be specified in ordinance. The tax shall be a lien from time of levy, and its collection shall be enforced as the collection of other taxes, by advertisement and sale of property; provided, it shall not be necessary to sell at same time as for other delinquent ad valorem taxes. If said special tax be not paid in full in ten days from the completion of said work and the levy of said special tax, then the assessor and collector shall proceed at once to advertise and sell said property for the special tax due thereon, giving same notice, and executing similar deed as is given when property is sold by city for ad valorem taxes.

Sec. 11. That section 177 of the city charter as amended by act of the Legislature of the State approved April 5th 1881 be amended so as to read as follows:

Section 177. It shall be the duty of every person or corporation owning property fronting on any street in the city of Dallas to build sidewalks, construct curbing and guttering and repair the same in front of their property when notified by the proper city authorities and according to ordinance. If the owners of any such property fail after due notice as provided by ordinance, to construct or repair such sidewalks, curbing or guttering as provided by ordinance, the same may be done by the city and taxed against the property according to cost of construction, and the same proceeding shall be had as provided in Section 174 above, in doing said work and collecting said tax. Any one failing or refusing to build or repair the sidewalk, curbing or guttering along their property, according to ordinance, shall be deemed guilty of a misdemeanor and punished as provided by city ordinance; provided, the fine for any one day's neglect shall not exceed fifty dollars.

Sec. 12. That Section 180, of the charter of the city of Dallas be amended so as to read as follows:

Section 180. The city council shall have power by ordinance to provide for and cause a general sewer and drainage system to be established, which shall be divided into three classes, to-wit: Public, district, and private sewers, and drains. Public sewers shall be established along the principal crosses of drainage, at such times, to such extent, and under such regulations as may be provided by ordinance, and there may be extension or branches of sewers already constructed, or entirely new throughout, as may be deemed expedient. The city council may, if necessary, levy a tax on all property made taxable for State purposes over the whole city, to pay for the construction and repairs of such public sewers, which shall be called "Special public sewer tax," and shall be of such amount as may be required for the sewer or sewers provided by ordinance to be built, and the fund arising from said tax shall be appropriated solely to the building and repairing of said sewer or sewers, and there shall when necessary be a taking and condemnation of private property for sewers and drains as herein before provided for. No public sewer shall be run diagonally through private property, when it is practicable without injury to said sewer, to construct it parallel with one of the exterior lines of such property; nor shall any public sewer be constructed through private property when it is practicable to construct it oblong or through a street or other public highway.

Sec. 13. That Section 181 of the charter of the city of Dallas be amended so as to read as follows:

Section 181. District sewers or drains shall be established within

the limits of the district to be described by ordinance, connecting with a public sewer or other district sewer, or with the natural course of drainage, as each case may be; or in such other manner as the city council may by ordinance provide. Such district may be subdivided, enlarged or changed by ordinance at any time. The city council shall cause sewers or drains to be constructed in each district, to such extent, of such dimensions, and under such regulations as may be prescribed by ordinance, whenever a majority of the property holders therein shall petition therefor, or whenever the city council may deem such sewer or drain necessary for sanitary or other purposes, and said sewer or drain shall be of such dimensions as may be prescribed by ordinance; and may be changed, enlarged or extended, and shall have all the necessary laterals, inlets and other appurtenances which may be required. The work shall be done as follows: Whenever the city council shall determine by ordinance, that such work shall be done, and the manner and extent of the same, they shall advertise for bids, giving the plans and specifications and extent of improvement. The work shall be let to the lowest responsible bidder in the discretion of the city council, and with such bond as the said council may provide. As soon as any district sewer or drain shall have been completed, the city engineer or other officer having charge of the work, shall make report thereof to the city council, together with the entire cost of said work, and the city engineer shall at the same time furnish to the assessor and collector, and city council, a list of all property in said sewer district, together with the owners thereof. The city council shall then at once proceed to assess said amount against said property, and shall levy a special tax therefor against the lots of ground within such district, exclusive of improvements, in proportion to the area of the whole district, exclusive of public highways; provided, that in the discretion of the council a special committee of three disinterested citizens, not residing in the said sewerage district, may be appointed by the mayor for the purpose of assessing the property in such district in proportion to the benefit derived from said sewer for the purpose of paying said cost of such sewer. And the assessor and collector shall enter said list of said property, and the name of the owner thereof, together with the assessment and levy made against each lot or lots within such district on his tax rolls, in a book kept for that purpose and shall proceed to collect the same as other taxes are collected. Said tax shall be a lien on such property from the time of levy, and its collection shall be enforced as other taxes by advertisement and sale of the property taxed; provided, it shall not be necessary to sell at the same time as for delinquent advalorem taxes. If the said special tax be not paid in full in ten days from the completion of said work, and the levy of said special tax due thereon, giving same notice and executing similar deed as in case of property sold by the city for advalorem taxes. Private sewer or drain connecting with public or district sewer, may be constructed under such restrictions and regulations as may be provided by ordinance, but the city shall be at no expense in the construction of the same, and may by ordinance force the construction and keeping of the same clean, and in proper repair by parties owning or using the same. If the owner of such property shall not proceed within five days after notice given by the city secretary, to construct such private sewer or drain under the superintendence of the city engineer in strict compliance with the ordinance, then the city shall have such work done as provided above for district sewer, and the city council shall tax such

costs against such property, and as soon as said work shall be completed shall levy a special tax on such property to pay for such improvement, and the city tax shall be a lien on such property from time of levy; if said special tax be not paid within the time provided above for payment of special tax for building district sewer, then the assessor and collector shall proceed to advertise and sell the property for the special tax so levied thereon, and execute a deed therefor as provided above in case of district sewer. The time of payment, and the time of becoming delinquent of such special taxes herein provided for, shall be fixed by ordinance, where the same is not fixed in the charter.

Sec. 14. That Section 101 of the charter of the city of Dallas approved August 9th 1876 be and the same is hereby amended so as to read as follows:

Section 101. It shall be the duty of the assessor and collector between the first day of January, and the fifth day of April of each year to make and return to the city council a full and complete assessment of all property real and personal in said city, on the first day of January, liable to municipal taxation, together with the cash value of all goods, wares and merchandise owned or kept on hand for sale by any merchant on the first day of January of that year, together with the cash value of all property real and personal belonging to any corporation, also a list of all insurance companies doing business in said city and the name of the agent of the same. The city council shall have power in its discretion, at or before its last regular meeting in December of each year, to appoint two resident freeholders of the city of Dallas, qualified voters, to be called assistant assessors, whose duty it shall be when so appointed, to attend with the assessor and collector at the time of making said assessment for the year following their appointment, and having equal power and authority with the assessor and collector, together with said assessor and collector to make and return to the city council a full and complete assessment of all property, personal and real, as above provided, and they shall attend and assist the assessor and collector in receiving the lists of property and statements of merchants and others by the act required to be delivered to said assessor and collector, and their compensation and further duties and powers, shall be such as the city council may by ordinance provide.

Sec. 15. The city council shall prior to the first day of A. D. 1883, divide the city into convenient wards, not to exceed eleven (11) wards in all, and each ward shall at the next regular election, April 1884, elect two aldermen, one of whom shall serve one year, and the other two years. The terms of service to be determined by lot. Each of said wards shall thereafter elect one alderman annually who shall hold his office for two years, or until his successor has been elected and qualified.

Sec. 16. Whereas the good government of the city of Dallas depends upon the immediate passage of this act, therefore a public necessity and emergency exists for the suspension of the constitutional rule requiring bills to be read on three several days. The rule is therefore hereby suspended, and this act shall take effect and be in force from and after its passage, and that all laws and parts of laws in conflict herewith be, and the same are hereby repealed.

Approved March 31, 1883.

Takes effect after its passage.

No. 8.—An Act for the relief of Alsey S. Miller, Milburn Harral and Mary A. Woods, widow of Gonzales Woods, deceased, survivors of the "Dawson massacre," by granting to each one of them a certificate for twelve hundred and eighty acres of land.

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required, to issue a certificate for twelve hundred and eighty acres of land each to Alsey S. Miller, Milburn Harral and Mary A. Woods, widow of Gonzales Woods, deceased, survivors of the "Dawson massacre," which may be located as headright certificates upon any of the unappropriated public domain, and patented as in other cases; and the said certificates, and the land located by virtue thereof, shall be exempt from forced sales so long as it shall remain the property of the grantee in said certificate; provided, that the Commissioner of the General Land Office shall charge no fees for the issuance of such certificate and patent; provided, that the State shall not be held responsible for any deficiency in the public domain.

Sec. 2. The near approach of the close of the present session of the Legislature, making it doubtful if this bill can pass in the ordinary course of legislation, creates an imperative public necessity for the suspension of the constitutional rule requiring a bill to be read on three several days; and it is so suspended.

Approved April 9, 1883.

Takes effect ninety days after adjournment.

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No. 9.—An Act for the relief of the heirs of General Mosely Baker, deceased.

Whereas, General Mosely Baker, a soldier of the Revolution of the Republic of Texas, to whom was granted a headright certificate by said Republic for services rendered therein; and,

Whereas, said head right certificate was located back of and adjoining the town of Anahuac on Galveston bay; and

Whereas, said certificate was located upon lands that had been previously located by other parties, by reason of which all benefits of said headright certificate were lost, to the said General Mosely Baker, or his heirs; and

Whereas, Mrs. Fannie A. D. Darden, of Columbus, Texas, is the only surviving heir of the said Genl. Mosely Baker, deceased, therefore

Section 1. Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office be and he is hereby authorized and required to issue to Fannie A. D. Darden, sole heir of Genl. Mosely Baker, deceased, a certificate for one league and one labor of land, which may be surveyed and located and patented as other first class head right certificates, she paying the Government fees; provided, that this act shall not be construed to bind the State, should no vacant land be found, which should be stated on the face of the certificate.

Sec. 2. The said certificate can only be located upon vacant and un-

appropriated public domain; and the State is to be in no manner liable in case the certificate is not located on vacant land.

Sec. 3. The near approach of the end of the present session of the Legislature rendering it improbable that this bill will pass in the regular course of legislation, creates an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days; and it is so enacted.

Approved April 10, 1883.

Takes effect ninety days after adjournment.

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**No. 10.**—An Act for the relief of the heirs of John W. Thomson, who fell at the storming of the Alamo on the 6th day of March, 1836.

Whereas, John W. Thomson, a volunteer in the defence of the Republic of Texas, under the command of Bowie and Travis, was killed while serving as a volunteer in the armies of Texas, as aforesaid, on the 6th day of March, 1836, at the storming of the Alamo: and,

Whereas, All his comrades perished in said massacre, and many difficulties intervened which prevented his heirs from securing the land certificates granted to those who fell in said battle, and were residing in the State of Texas at the time of the Declaration of the Independence of the State of Texas: and,

Whereas, The old "court of claims" before which said matters were adjudicated, has been and was, abolished before the claim of the heirs of said Thomson was adjudicated, and while the said claim was therein pending; and,

Whereas, No certificates for land, granted to those who fell in said battle of the Alamo, and were in Texas at the time of the Declaration of the Independence of the State of Texas; and

Whereas, The State of Texas has heretofore granted to the heirs of all those who fell at the Alamo, in the service of Texas, the following land certificates, to wit: A special head-right certificate of 1476 acres, 1920 bounty, and 640 acres donation, and to those that were citizens of Texas at the Declaration of Independence a certificate of 1476 acres; and,

Whereas, the lapse of time, the death of witnesses, the war between the States, and other obstacles, intervened to prevent the said heirs of the said Thomson from presenting and establishing their claim before the "Court of Claims" prior to its abolition; and,

Whereas, said heirs are justly entitled to said certificates, and the same have never been to them issued, therefore,

Section 1. Be it enacted by the Legislature of the State of Texas; that the Commissioner of the General Land Office be, and he is hereby authorized, empowered and required to issue to the heirs of said John W. Thomson the following certificates, to wit: One special head-right certificate of 1476 acres, class——; one 640 donation certificate, class ——; one 1920 acre bounty certificate, class ——, and one 1476 head-right certificate, class ——, —said certificates only to be located on unappropriated vacant public domain, and the State to be in no manner liable if there is not vacant land upon which said certificates can be located.

Sec. 2. Be it further enacted that said Commissioner of the General Land Office shall deliver to said heirs, their legal agent or representative, said certificates, when he shall have been assured by satisfactory proof of such heirship.

Approved April 10, 1883.

Takes effect ninety days after adjournment.

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No. 11.—An Act to authorize Christian Jordan to sue the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Christian Jordan of Galveston county is hereby authorized and empowered to sue the State of Texas in the district court of Travis county for the enforcement and adjustment of any right or claim which he may have against the State of Texas by reason of the transfer and assignment to him, by the State, of a certain judgment recovered by said State on the 31st day of October 1873, against Frank Dirks and his sureties in cause No. 3399 in the district court of Travis county or by reason of any taxes or moneys collected by the State of Texas, or her officers and agents and which taxes or moneys in law, equity or justice should have been credited on said judgment and paid to the owner thereof.

Sec. 2. The suit provided for in the preceding section, shall be filed within one year from the passage of this act, and when filed, a certified copy of plaintiffs petition, and a citation such as usually issue to the defendants in suits in the district court, shall be served on the Governor of the State at least ten days before the first day of the term of court, to which said suit is brought.

Sec. 3. Said suit shall be tried by said district court like other suits, and either or both parties shall have the right to an appeal from the judgment of said district court to the Supreme Court of the State, in the same manner as appeals are allowed in other cases; provided, that the State shall not be required to give any appeal bond, or be liable for any costs of court whatever.

Sec. 4. If judgment shall be rendered in favor of said Christian Jordan by the district court, and no appeal be taken or perfected by the State as required by law, or in case such judgment shall have been affirmed on appeal by the Supreme Court, such judgment shall be certified to the Comptroller of the State by the clerk of the district court, and the Comptroller shall draw his warrant on the Treasurer in favor of said Christian Jordan for the amount of such judgment.

Approved April 12, 1883.

Takes effect ninety days after adjournment.

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No. 12.—An Act to receive the surrender of the corporate rights and franchises of the Jefferson Iron Company, a private corporation of this State, and to amend the charter of the same.

Section 1. Be it enacted by the Legislature of the State of Texas,

that Horace Ware, as the sole owner of the corporate rights and franchises of the Jefferson Iron Company, a private corporation, chartered on the 9th day of March, A. D. 1874, by virtue of the general incorporation law of the State of Texas, be and he is hereby permitted to surrender all the corporate rights and franchises of said Jefferson Iron Company to the State of Texas; and the charter heretofore issued to said company be and the same is annulled and cancelled, and record of such cancellation may be made in the office of the Secretary of State of this State.

Sec. 2. The title to all the property real and personal of said corporation is hereby divested therefrom and freely vested in the said Horace Ware individually, and to prosecute any and all suits in which said corporation may be a party.

Sec. 3. Notice of this act having been published for 30 days as required by the Constitution, and the near approach of the close of the 18th Legislature creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days should be suspended, and that this act take effect and be in force from and after its passage; and it is so enacted.

Approved April 14, 1883.

Takes effect from passage.

No. 13.—An Act ceding to the United States government exclusive jurisdiction over certain property in the city of Dallas for the purpose of erecting a public building thereon.

Whereas The United States government has made an appropriation for the purpose of erecting a court and post office building in the city of Dallas, State of Texas, now therefore

Section 1. Be it enacted by the Legislature of the State of Texas: That the State of Texas does hereby cede to the government of the United States exclusive jurisdiction over lots numbers (5, 6, 7 and 8) five, six, seven and eight and (20) twenty feet of west part of lots numbers (4) four and (9) nine in block (96) ninety six according to official map of the city of Dallas; or over any property acquired or to be acquired in the city of Dallas for the purpose above indicated, so long as said government of the United States shall be and remain the owner thereof; provided that the State of Texas does hereby retain jurisdiction over said property for the administration of the criminal laws of this State and the service of civil process therein.

Sec. 2. Whereas the United States government is now ready to proceed with the construction of said building, an imperative necessity and emergency exists for the suspension of the constitutional rule, requiring bills to be read on three several days and that this act take effect from and after its passage and it is so enacted.

Passed ..... , 1883.

Takes effect from passage.



No. 14.—An Act amendatory of an Act entitled "An Act to incorporate the City of Austin," approved April 5, 1873.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article four of the above recited act, shall hereafter read as follows:

Article 4, Section 1.

That an election shall be held on the first Monday in December, 1883, for the election of a city council to consist of a mayor and a board of aldermen, who shall hold their offices for two years, or until their successors are elected and qualified, except that one of the two aldermen elected from each ward shall hold his office for only one year; the long and short terms to be drawn for by the aldermen elected from each ward immediately after their installation; that the board of aldermen shall consist of two members from each ward, to be chosen by the qualified voters of their respective wards; that thereafter there shall be an election held on the first Monday in December of each year, to fill all vacancies occurring, or to occur in the city council from the expiration of terms of office, or otherwise; and no person shall be a member of the city council, unless he be a citizen of the State of Texas, and shall have resided within the city limits for six months preceding his election, and shall have been a bona fide resident of the ward from which he is elected for at least thirty days preceding his election. That if any alderman shall after his election remove from the ward from which he is chosen, his office shall thereby be vacated. The city council shall judge of the election returns and qualifications of its own members and shall determine contested elections of all city officers made elective under this act.

The majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner, and under such penalties as they may prescribe. The city council may determine the rules of its proceedings, punish its members for a willful violation of its rules, or other disorderly behaviour and with the consent of two-thirds of the members elected, expel an alderman, but not a second time for the same offense. The city council shall keep a journal of its proceedings and whenever practicable, publish the same, or a synopsis thereof in a newspaper of the city; and the yeas and nays of the members on any question shall, at the desire of any alderman present be entered on the journal. Aldermen shall serve without pay and no alderman shall during the term of his office hold any other office under the city; nor shall any alderman during his term of office, be interested directly or indirectly, in any contract or agreement for work to be done, or service to be performed, for which the city is to pay a consideration, or in the purchase of any property by the city for any purpose whatever. All vacancies that shall occur in the board of aldermen shall be filled in such manner as shall be hereafter provided for by ordinance. Each alderman shall before entering upon the duties of his office take the oath prescribed by the Constitution of the State of Texas and that he will faithfully discharge the duties of his office. Whenever there shall be a tie in the election of aldermen, the judges of the election shall certify the same to the mayor, who shall immediately thereon issue his proclamation, stating such facts, and ordering a new election.

Sec. 2. And be it further enacted, That Article five of the above recited Act shall hereafter read as follows:

Article 5, Section 1.

The mayor and the board of aldermen shall constitute the city council of said city. There shall be stated sessions of the city council at least once in each month, and such special meetings as the mayor or any two members of the council may deem necessary. In the absence of the mayor any one of the aldermen may be appointed to preside, in which case, the alderman who presides shall vote only as an alderman. The city council shall have the care, management and control of the city and its property and finances; and shall have power to enact and ordain any and all ordinances not repugnant to the Constitution and laws of this State, and such ordinances to alter, modify, or repeal. Upon the passage of all ordinances appropriating money, imposing taxes, increasing, lessening or abolishing licenses, and of ordinances for borrowing money, the yeas and nays shall be entered in the journal, but no ordinance for borrowing money shall pass, except by a vote of two-thirds of the whole council. All ordinances shall be read in the council for three separate days, unless two-thirds of the members elected shall dispense therewith. A majority of the members of the whole council shall be necessary to pass an ordinance appropriating for any purpose the sum of five hundred dollars or upwards, or for passing an ordinance in any wise diminishing or increasing the city revenues.

Sec. 3. And be it further enacted, That Article six of the above recited Act shall hereafter read as follows:

Article 6, Section 1.

That the mayor and city council shall have power within the city by ordinance:

First. To levy and collect an annual tax, not exceeding one per centum upon all property within the limits of the city, made taxable by law for State and county purposes, the money raised by said tax to be used for the current expenses and for the general improvement of the city.

Second. To raise money on the credit of the city, for a special and definite purpose, by issuing bonds of the city, or otherwise; provided, the bonded debt of the city shall not at any time exceed one hundred and twenty-five thousand dollars, and the interest due on bonds, and interest bearing warrants issued by the city of Austin with the interest accrued thereon, shall be at all times considered a part of the bonded debt of the city. To extend the bonded debt of the city beyond one hundred and twenty-five thousand dollars shall only be done by a special act of the Legislature, or by the consent of two-thirds of the tax paying citizens voting at an election ordered for the purpose, after thirty days notice by the mayor, by the authority of and in the method that may be prescribed by the city council. All bonds shall specify for what purpose they were issued, and when any bonds are issued by the city, a fund shall be provided to pay the interest, and two per cent. per annum on the principal, as a sinking fund to redeem the bonds, or pay them at maturity; and said sinking fund shall not be diverted to or drawn for any other purpose, and the city treasurer shall honor no draft drawn on said sinking fund except to pay the interest, or redeem the bonds for which said fund was provided. The sinking fund for the redemption of any bonds and the payment of the interest thereon shall be invested, as fast as the same accumulates, in interest bearing bonds of the United States, or of the State of Texas, or of the city of Austin, as the city council

may deem most advantageous: and such bonds and the interest thereon shall be sold when necessary to pay or redeem the bonds for which the sinking fund was established.

Third. To appropriate money and to provide for the payment of the debts and expenses of the city.

Fourth. To make regulations to prevent the introduction of contagious diseases into the city.

Fifth. To establish hospitals and make regulations for the government thereof, within or without the city limits.

Sixth. To make regulations to secure the general health of the inhabitants, and prevent and remove nuisances.

Seventh. To construct water works, gas works and street railroads, within or beyond the city limits, or both; to provide the city with water and gas, and to erect hydrants, fire-plugs and pumps in the streets; to erect the necessary machinery, lamp posts, &c. for lighting the city, within or beyond the limits of the city, for the convenience of the inhabitants of the city and environs.

Eighth. To have the exclusive control and power over the streets, alleys, side-walks, lanes, avenues, public grounds and highways of the city, and to abate and remove all encroachments thereon; to open, alter, widen, straighten, extend, establish, abolish, regulate, grade, re-grade clean, pave, macadamize, or otherwise improve the same; and to regulate the making of side-walks, their grade, material and mode of construction, when such side-walks are made by private parties.

Ninth. To establish, erect and keep in repair bridges, culverts and sewers and regulate the use of the same; to establish, alter and change the channel of water courses and to wall them up and cover them.

Tenth. To provide for the lighting of the streets and erecting lamps thereon.

Eleventh. To establish, support and regulate night watch and patrols.

Twelfth. To erect market houses, establish markets and market places, provide for the government and regulation thereof, and to license, tax and regulate butchers and the vendors of poultry, fish, vegetables and other provisions.

Thirteenth. To provide for the erection of all needful buildings for the use of the city.

Fourteenth. To provide for the inclosing, improving and regulating all public grounds belonging to the city.

Fifteenth. To license, tax and regulate auctions, grocers, merchants, retailers, hotels and boarding houses, and bakeries; and to license, tax and regulate or suppress ordinaries, hawkers, peddlers, brokers, and pawn brokers and money changers.

Sixteenth. To license, tax and regulate hackney carriages, omnibuses, wagons, carts and drays and fix the rates to be charged for carriage of persons, and for wagonage, cartage and drayage of property.

Seventeenth. To license and regulate porters and fix the rate of portage.

Eighteenth. To license, tax, regulate and suppress theatrical and other exhibitions shows and amusements.

Nineteenth. To license tax and regulate billiard tables, pin alleys and hall alleys, restaurants, drinking houses or saloons and all places or establishments where intoxicating or fermented liquors are sold; real estate agents, insurance brokers, insurance agents and all other trades, professions, occupations and callings the taxing of which is not prohib-

ited by the Constitution of the State, which tax shall not be construed to be a tax on property; to restrain and suppress disorderly houses: to suppress lotteries and all fraudulent devices and practices; to suppress gaming and gambling of all kinds and descriptions, and to prevent the same; to restrain bawdy houses, houses of prostitution or assignation and to punish prostitutes and the keepers of houses of prostitution within the city or within such limits therein as may be defined by ordinance, by fine or imprisonment, or both and to adopt summary measures for the removal or suppression of all such establishments.

Twentieth. To provide for the prevention and extinguishment of fires and organizing and establishing fire companies; also to regulate and restrain and prohibit the erection of wooden buildings in any part of the city; to regulate and prevent the carrying on of manufactories dangerous in causing or producing fires; to appoint fire wardens and property guards, with power to remove and keep away from the vicinity of any fire all idle and suspicious persons lurking near the same, and to compel any person or persons present to aid in extinguishing such fire, or in the preservation of property exposed to the danger of the same; and in preventing goods from being purloined thereat; and with such other powers and duties as may be prescribed by ordinance, to compel the owners of houses and other buildings, to have scuttles upon the roof of any such houses and buildings, and stairs and ladders leading to the same.

Twenty first. To regulate and order the cleaning of chimneys, and fix the fees thereof.

Twenty second. To regulate the storage of gunpowder, tar, pitch, rosin, hemp, cotton and all other combustible materials, and the use of lights and candles in all stables, shops and other places; to remove and prevent the construction of any fireplace, hearth, chimney, stoves, ovens, boilers, kettles or apparatus used in any house, building, manufactory or business which may be dangerous in causing or promoting fires; to direct the safe construction of deposits for ashes, and severally to enter into or appoint one or more officers at reasonable times to examine all dwellings, houses, lots, yards, enclosures, buildings of every description, in order to discover whether any of them are in a dangerous state, and to cause such as may be dangerous to be put in a safe and secure condition.

Twenty third. To regulate and prescribe the manner and order, the building of partition and parapet walls and of partition fences.

Twenty fourth. To establish standard weights and measures and to regulate the weights and measures to be used in the city in all cases not otherwise provided by law.

Twenty fifth. To provide for the inspection and measuring of lumber and other building materials.

Twenty sixth. To provide for the inspection and weight of hay, the measuring of charcoal, fire-wood and all other fuel to be used in the city.

Twenty seventh. To regulate the inspection of lard, butter and other provisions, to regulate the vending of meat, poultry and vegetables; to restrain and punish the forestalling of poultry, butter, eggs and fruit and to suppress hucksters.

Twenty eighth. To regulate the weight, quality and price of bread to be sold and used in the city.

Twenty ninth. To regulate the size of brick made or sold in the city.

Thirtieth. To provide for the taking of an enumeration of the city.

Thirty first. To provide for the removing from office any person holding an office created by this act, or by ordinance, not otherwise provided for.

Thirty second. To provide for the appointment or election of all officers, servants and agents of the corporation, not otherwise provided for.

Thirty third. To fix the compensation of the city officers not herein provided for, and regulate fees of all jurors, witnesses and others, for services rendered under this act or ordinance.

Thirty fourth. To regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance and to provide for the recovery and appropriating such fines and forfeitures, and the enforcement of such penalties; provided, that no fine shall exceed one hundred dollars and imprisonment not exceeding fifteen days for any one offence.

Thirty fifth. To erect a work-house and house of correction and provide for the regulation and government thereof.

Thirty sixth. To regulate and license all ferries and toll bridges within the limits of the city.

Thirty seventh. To remove all obstructions from the streets and sidewalks and at the expense of the owners of the ground fronting thereon, to provide for the construction, paving, repairing and cleaning of all sidewalks and gutters.

Thirty eighth. To prevent the assemblage of idle persons at or near store house doors, whereby the trade of such house or persons passing are interrupted; and also to prevent and restrain any riot, rout, disturbance or disorderly assemblage in any street, house or place in the city.

Thirty ninth. To prevent and remove all encroachments in and upon all streets, lanes, avenues and alleys, established by law or ordinance.

Fortieth. To establish cemeteries within or without the limits of the city and to regulate the same.

Forty first. To exercise complete and perfect control over the commons and all the property belonging to the city real or personal, whether lying within or beyond the limits of the corporation created by this act, and the same to lease, sell in part, or whole, transfer and dispose of, either absolutely or within limitation, to any person or persons whatsoever; and generally to make such rules, regulations, by laws and ordinance, for the purpose of maintaining the peace, good government and order of the city of Austin, and the trade, commerce and manufactories thereof, as the city council may deem expedient, not repugnant to the laws and constitution of this State; and also to enforce the observance thereof by inflicting penalties upon any inhabitant thereof, or any person or persons, for the violation of any ordinance, not exceeding \$100 and imprisonment not exceeding fifteen days for any one offence, recoverable with costs, by suit by and in the name of the city of Austin, for the use of the city, before any court having cognizance of the same.

Sec. 4. And be it further enacted that article 7 of the above recited act shall hereafter read as follows:

Article 7, Section 1.

That the city council shall have power, subject to the restrictions in the preceding section, to make all ordinances which shall be necessary and proper for carrying into effect the powers specified in the preceding section and all other powers vested by this act in the corporation, the city government, or any department, or office thereof. No money shall be

expended, nor shall any improvement be ordered involving an expenditure of money except by ordinance, the provisions of which shall be specified and definite.

Every ordinance which shall have been passed by the city council, shall before it becomes a law, be presented to the mayor for his approval; if he approve, he shall sign it; if not, he shall return it, with his objections to the board of aldermen, which objections shall be entered at large on the journal and the ordinance shall be reconsidered. If after such reconsideration, two-thirds of the members of the board shall agree to pass the same, it shall be in force as an ordinance. In all such cases the votes of the city council shall be taken, yeas and nays, and entered on the journal. If any ordinance shall not be returned by the mayor with his objections in writing at the next meeting of the council, the same shall be in force as an ordinance in the same manner as if he had approved and signed it. Every resolution of a general character, or relating to any matter in which the public are interested, shall be presented to the mayor and before the same shall take effect, shall be proceeded upon in the same manner as in case of an ordinance. The style of the ordinance of the city shall be: "Be it ordained by the city council of the city of Austin."

Every ordinance imposing any penalty, fine, imprisonment or forfeiture, for violation of its provisions shall, after the passage thereof, be published in every issue of a daily paper for ten days.

Ordinances passed by the city council and requiring publication shall be in force from and after the publication thereof, unless it be therein otherwise expressly provided.

Ordinances not requiring publication shall take effect and be in force from and after their passage, unless it shall be therein otherwise expressly provided. All ordinances of the city when printed and published by authority of the city council, shall be admitted and received in evidence in all courts and places without further proof. All ordinances, regulations and resolutions now in force in the city of Austin and not in conflict with this act shall remain in force under this act until altered, modified or repealed by the city council after this act shall take effect.

Sec. 5. Be it further enacted That article 8, of the above recited act shall hereafter read as follows:

Article 8, Section 1.

That the mayor shall be the chief executive officer of the city, who shall be elected as hereinbefore authorized, by the qualified voters of the city and who shall hold his office for the term of two years and until his successor is elected and qualified. The salary of the mayor shall be six hundred dollars per annum with no fees of office, this salary being intended not as a compensation for services in the performance of his duties as mayor, but only as a reimbursement for expenses incident to and growing out of his position. No person shall be mayor who at the time of his election is not possessed of the qualification required for an alderman or who holds any lucrative office under authority of the United States or any State; he shall before entering upon his duties take the oath prescribed by the Constitution of this State, and to faithfully and impartially perform his duties. When two or more persons shall have an equal number of votes for the office of mayor, a new election shall be ordered, except in case such election is contested, and whenever an election for mayor shall be contested, the city council shall determine the same by vote. Whenever any vacancy shall happen in the office of

mayor, it shall be filled by election in such manner as shall be provided for by ordinance, in which case the mayor so elected shall hold the office for the unexpired term only. The mayor may be removed from office for any misdemeanor in office by a majority of two-thirds of a full board of aldermen, after trial and conviction in accordance with the laws of the State. The mayor shall have power to nominate, and by and with the consent of the board of aldermen, to appoint all city officers not ordered by this act to be otherwise elected; provided, any alderman may also make nominations for any of the city officers herein referred to. The mayor shall sign the commissions or appointments of all persons elected by the city council, and shall cause all subordinate officers to be dealt with promptly for any neglect or violation of duty. He may suspend and by and with the consent of council, remove from office any person holding an office made elective by the city council under this act, or hereafter created by ordinance. He shall have power when he deems it necessary, to require any officer of the city to exhibit his account or other papers, and it shall be his duty to make report to the council in writing, regarding any errors or deficiencies he may discover in said accounts or papers. The mayor shall preside at all the meetings of the city council, except as herein otherwise provided and shall have a casting vote when the council is equally divided and not otherwise. He shall from time to time communicate to the city council such information and recommend such measures as in his opinion may tend to the improvement of the finances, health, security, ornament and general prosperity of the city. The mayor or any two councilmen shall have power to call special meetings of the city council, the object of which shall be submitted to the council in writing and the call and object thereof shall be entered on the journal by the clerk. The mayor shall take care that the laws of the State and the ordinances of the city are duly enforced, respected and observed within the city and he is hereby authorized to call on every male inhabitant of the city over eighteen years of age and under the age of fifty years, to aid in enforcing the laws and ordinances of the city, and any person who shall not obey such call shall forfeit to the city a fine not exceeding five hundred dollars. The mayor, by and with the consent of the council shall have power to remit fines and forfeitures and to grant reprieves and pardons for all offenses arising under the ordinances of the city. He shall have power to solemnize marriages and to administer oaths of office. In case of the temporary absence or illness of the recorder or in case of vacancy in the office of recorder, the mayor shall have like power with the recorder to try all cases of violation of the city ordinances and it shall be his duty to do so, unless such vacancy temporary or otherwise shall have been filled as provided in this act.

Sec. 6. And be it further enacted, That article nine of the above recited shall hereafter read as follows:

#### Article 9, Section 1.

At the first meeting of the city council elected under this act and every two years thereafter the city council shall upon nomination by the mayor, or any alderman, proceed to elect an assessor and collector, a recorder, a city marshal, a treasurer, a city physician, a city clerk, a city attorney and a city engineer, who in addition to the duties prescribed by this act shall perform such other duties as have been, or may be prescribed by ordinance. They shall hold their offices for two years and until their successors are duly qualified and may at any time be removed

from office by a majority of two-thirds of a full board of aldermen. Such other officers, servants and agents of the corporations as the city council may deem necessary for the proper administration of the city government and for the interest of the city may be provided for by ordinance and elected in the same manner as the officers mentioned in this section and for such terms of office as the city council may determine. After every election of city officers by the council, the council shall immediately proceed to fix the salaries of such officers and the salaries so fixed shall not be lessened during the term of office for which said officers were elected; provided, the salary of the assessor and collector shall not exceed fifteen hundred dollars per annum, inclusive of all commissions that may be allowed by the city council, the salary of the city marshal shall not exceed twelve hundred dollars per annum, the salary of treasurer shall not exceed six hundred dollars per annum, the salary of city physician shall not exceed six hundred dollars per annum, the salary of city clerk shall not exceed twelve hundred dollars per annum, the salary of city engineer shall not exceed twelve hundred dollars per annum, exclusive of such fees as he may be allowed by the city council to charge private parties for services rendered them, the salary of recorder shall not exceed twelve hundred dollars per annum with no fees, and the salary of city attorney shall not exceed fifteen hundred dollars per annum and such fees as may be allowed by ordinance for attending to cases of appeal before the county and Supreme Courts. The city attorney shall by himself or deputy appear and prosecute all cases in the recorder's court arising under the provisions of this act and the ordinances of the city. It shall be the duty of the city attorney to prepare and draw up all complaints for misdemeanors and to cause all necessary witnesses to be summoned on the part of the prosecution and he shall have full power and authority to administer oaths to persons making complaints before the recorder's court. The usual attorneys fees, or such as may be prescribed by the city council, shall be charged and collected as other fees and when collected shall be paid to the assessor and collector as a part of the revenue of the city. The city attorney shall attend the meetings of the city council to give his advice, and he shall give his opinion upon all legal questions arising under the city government and perform such other duties in connection with his office as may be required by the city council. He shall be a licensed lawyer and competent to discharge the duties required of him by the provisions of this act and the ordinances of the city.

Sec. 7. And be it further enacted, That Article ten of the above recited act shall hereafter read as follows:

#### Article 10, Section 1.

The recorder shall be the chief judicial magistrate of the city and as such shall hold a court within said city by the name of the Recorder's Court of the city of Austin which said court shall have jurisdiction and cognizance in all misdemeanors, breaches of the peace, infractions of the ordinances, and all other causes arising under the laws of said city, subject however to an appeal to the county court in the same manner as appeals are taken and granted from justices' courts to the county court under the general laws of the State; and in all cases of appeal from the recorder's court to the county court either party shall have the right to appeal from the judgment of the county court to the Supreme Court under the general laws of the State. The recorder may require of any person arrested under the provisions of this



act, or of the ordinances of the city, a bond for his or her good behavior and to keep the peace, with two good and sufficient sureties, which bond thorty to issue subpoenas for witnesses and to compel their attendance by shall be payable to the city of Austin. He shall have full power and au-process of attachment. He may issue warrants of arrests, search war-rants executions and any other process known to the law which a jus-tice of the peace of this State may lawfully issue, and he may punish all contempts by fines and imprisonment, or either. He shall also have full power and authority to administer official oaths and all other oaths or affirmations, and give certificates thereof. The recorder shall be ex-officio justice of the peace and shall possess and execute within the city limits in criminal cases all the powers and duties of such offices, but in no case shall he entertain jurisdiction in civil suits. He shall charge in all cases the same fees which are allowed to justices of the peace for the same kind of services, which shall be charged and collected as other fees and when collected shall be paid into the city treasury for the use and benefit of the city. The recorder shall be a conservator of the peace, and his court shall be open every day except Sunday, to hear and deter-mine any and all cases cognizable before him, and he shall have power to bring parties before him forthwith for trial. Persons arraigned for violation of city ordinances demanding a trial by jury, shall deposit with the city clerk the sum of three dollars, security for the payment of the costs of such jury, unless they shall make oath that they are unable to pay or secure the same, any person convicted of an offense under the provisions of this act, or the ordinances of the city shall be punished by fine and imprisonment, or either and hard labor as may be regulated by ordinance.

The recorder shall perform such other duties as may be prescribed by any ordinance of the city and shall receive a salary not to exceed the sum of twelve hundred dollars per annum. The recorder shall be a licensed lawyer, and competent to discharge the duties required of him by the charter and the ordinances of the city. The fines imposed in the recorder's court for the violation of the city ordinances, shall not be less than five dollars, nor more than one hundred dollars for each and every offense. In case of the illness or temporary absence of the recorder, the mayor may appoint an acting recorder, who shall take the required oath and receive the same compensation as the recorder during the time of such temporary appointment.

Sec. 8. And be it further enacted that article sixteen of the above recited act shall hereafter read as follows:

Article 16, Section 1.

That the revenues received during each fiscal year shall be applied to the payment of the current expenses of the city government, and the ap-propriation made during that year; and no debt shall be incurred during any fiscal year except as otherwise provided in Section 3 of this act, or under authority conferred by the Legislature. The city council is hereby prohibited from incurring any expense or making appropriations beyond the receipts of the treasury, so that at the close of any fiscal year, any ob-ligation created during that year shall remain unpaid, except in case of bonds issued as hereinbefore provided, and it is hereby made a misde-meanor for the mayor to draw a warrant upon the city treasury, except on written information from the treasurer, that there is sufficient money in the treasury not otherwise set apart for the immediate payment of said warrant. Such misdemeanor on the part of the mayor shall be punished

by a trial for impeachment by the board of aldermen, and on conviction by a two thirds vote of a full board, by dismissal from office. It is hereby also made a misdemeanor for any alderman to knowingly vote for any appropriation whereby debt shall be created in violation of the provisions of the act. It shall be the duty of the city attorney to report to the grand jury of the county court of Travis county any alderman for such violation of law, the penalty for which after trial and conviction shall be dismissal from office. It shall be the duty of the city treasurer to report to the city council at their first regular meeting in each month the balance of money in the treasury unappropriated. All officers of the city shall take the oath prescribed in this act for the mayor and aldermen, and the present city council shall exercise all of the powers and functions vested in the council under this act.

Sec. 9. And be it further enacted that the amendments to the charter of the city of Austin adopted and ratified by the voters of said city, at an election held on the first Monday in November 1875 and not in conflict with this act shall remain in full force and effect.

This act is declared to be a public act and may be read in evidence in all courts of law and equity in this State without proof.

All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

The near approach of the end of the session creates an imperative necessity that the rule requiring bills to be read on three several days be suspended; therefore said rule is hereby suspended and this act shall take effect and be in force from and after its passage.

Approved April 17, 1883.

Takes effect from passage.

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THE STATE OF TEXAS. }  
DEPARTMENT OF STATE. }

I, Joseph W. Baines, Secretary of State, of the State of Texas, do hereby certify that the Laws contained in this volume are true and correct copies of the enrolled bills now on file in this department. I further certify that the regular session of the Eighteenth Legislature convened at the city of Austin, on the ninth day of January, A. D. 1883, and adjourned on the thirteenth day of April, A. D. 1883.

In testimony whereof, I hereto sign my name, and affix  
[L. s.] the seal of the State of Texas, at Austin, on this, twelfth day of May, A. D. 1883.

JOS. W. BAINES,  
Secretary of State.

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**GENERAL LAWS**

**OF**

**THE STATE OF TEXAS**

**PASSED AT THE**

**SPECIAL SESSION OF THE EIGHTEENTH LEGISLATURE**

**CONVENED**

**AT THE CITY OF AUSTIN**

**JANUARY 8, 1884, AND ADJOURNED FEBRUARY 6, 1884.**

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**BY AUTHORITY OF THE STATE OF TEXAS**

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**AUSTIN, TEXAS**  
**1884**

**NOTE.**

**Constitution of the State of Texas, Article III.**

**Sec. 39. No law passed by the Legislature, except the general appropriation act, shall take effect or go into force until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency, which emergency must be expressed in a preamble or in the body of the act, the Legislature shall, by a vote of two-thirds of all the members elected to each house, otherwise direct; said vote to be taken by yeas and nays, and entered upon the journals.**

## PROCLAMATION BY THE GOVERNOR OF TEXAS.

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To all whom these presents may concern:

Whereas, The Eighteenth Legislature of the State of Texas did, at its regular biennial session, which convened in the city of Austin, Texas, on the ninth day of January, A. D. 1883, and adjourned on the thirteenth day of April, A. D. 1883, propose the following amendments to the Constitution, to-wit:

That sections 4 and 6, article 7, of the Constitution of the State of Texas, be amended so as to read as follows:

Sec. 4. The lands herein set apart to the public free school fund, shall be sold under such regulations, at such times, and on such terms as may be prescribed by law; and the Legislature shall not have power to grant any relief to purchasers thereof. The Comptroller shall invest the proceeds of such sales and of those heretofore made, as may be directed by the Board of Education herein provided for, in the bonds of the United States, the State of Texas, or counties in said State, or in such other securities, and under such restrictions as may be prescribed by law; and the State shall be responsible for all investments.

Sec. 6. All lands heretofore, or hereafter granted to the several counties of this State for educational purposes, are of right the property of said counties respectively, to which they were granted, and title thereto is vested in said counties, and no adverse possession or limitation shall ever be available against the title of any county. Each county may sell or dispose of its lands in whole or in part, in manner to be provided by the commissioners' court of the county. Actual settlers residing on said lands, shall be protected in the prior right of purchasing the same to the extent of their settlement, not to exceed one hundred and sixty acres, at the price fixed by said court, which price shall not include the value of existing improvements made thereon by such settlers. Said lands, and the proceeds thereof, when sold, shall be held by said counties alone as a trust for the benefit of public schools therein; said proceeds to be invested in bonds of the United States, the State of Texas, or counties in said State, or in such other securities and under such restrictions as may be prescribed by law; and the counties shall be responsible for all investments; the interest thereon, and other revenue, except the principal shall be available fund.

That section 9, article 8, of the Constitution of the State of Texas, be so amended as hereafter to read as follows:

### Article 8.

"Section 9. The State tax on property, exclusive of the tax necessary to pay the public debt, and of the taxes provided for the

benefit of public free schools, shall never exceed thirty-five cents on the one hundred dollars valuation; and no county, city or town shall levy more than twenty-five cents for city or county purposes, and not to exceed fifteen cents, for roads and bridges, on the one hundred dollars valuation, except for the payment of debts incurred prior to the adoption of this amendment, and for the erection of public buildings, street, sewer and other permanent improvements, not to exceed twenty-five cents on the one hundred dollars valuation in any one year, and except as is in this Constitution otherwise provided."

That section 3 of article 7, of the Constitution of the State of Texas, be so amended as to hereafter read as follows:

"Section 3. One-fourth of the revenue derived from the State occupation taxes, and a poll tax of one dollar on every male inhabitant of this State between the ages of twenty-one and sixty years, shall be set apart annually for the benefit of the public free schools, and, in addition thereto, there shall be levied and collected an annual ad valorem State tax of such an amount, not to exceed twenty cents on the one hundred dollars valuation, as, with the available school fund arising from all other sources, will be sufficient to maintain and support the public free schools of this State for a period of not less than six months in each year; and the Legislature may also provide for the formation of school districts within all or any of the counties of this State, by general or special law, without the local notice required in other cases of special legislation, and may authorize an additional annual ad valorem tax to be levied and collected within such school districts for the further maintenance of public free schools and the erection of school buildings therein; provided, that two-thirds of the qualified property tax-paying voters of the district, voting at an election to be held for that purpose, shall vote such tax, not to exceed in any one year twenty cents on the one hundred dollars valuation of property subject to taxation in such district, but the limitation upon the amount of district tax herein authorized shall not apply to incorporated cities or towns constituting separate and independent school districts."

That article 5 of the Constitution of the State shall be amended by adding thereto another section, which shall read as follows:

Section 29. The county court shall hold at least four terms for both civil and criminal business annually, as may be provided by the Legislature, or by the commissioners' court of the county under authority of law, and such other terms each year as may be fixed by the commissioners' court; provided, the commissioners' court of any county having fixed the times and number of terms of the county court, shall not change the same again until the expiration of one year. Said court shall dispose of probate business either in term time or vacation, under such regulation as may be prescribed by law. Prosecutions may be commenced in said courts in such manner as is, or may be, provided by law, and a jury therein shall consist of six men. Until otherwise provided, the terms of the county court shall be held on the first Mondays in February, May, August and November, and may remain in session three weeks.

And whereas, the Governor of Texas, in compliance with law,

issued his proclamation ordering an election to be held in the several counties of the State on the fourteenth day of August, A. D. 1883, and submitting the said proposed amendments to the qualified electors for members of the Legislature;

And whereas, said election was held in accordance with said proclamation and the laws of the State of Texas, and the returns thereof made to the Secretary of State, now on file in his office, show that 29,734 votes were cast for amendment to section 4, article 7 of the Constitution, and 21,060 votes were cast against said amendment; that 29,452 votes were cast for amendment to section 6, article 7 of the Constitution, and 20,837 votes were cast against said amendment; that 30,158 votes were cast for amendment to section 9, article 8 of the Constitution, and 20,188 votes were cast against said amendment; that 30,553 votes were cast for amendment to section 3, article 7 of the Constitution, and 20,237 votes were cast against said amendment; that 30,640 votes were cast for amendment to article 5, and 17,498 votes were cast against said amendment;

Now, therefore, I, John Ireland, Governor of the State of Texas, by virtue of the authority vested in me by the Constitution and laws of the State, do hereby proclaim and make known to the public, that a majority of the votes cast at said election were cast in favor of each of said proposed amendments, and that they, the said several proposed amendments, have become, and are, a part of the Constitution of the State of Texas.

In testimony whereof, I have hereunto signed my name, and  
[L. S.] have caused the seal of the State to be affixed, at the city of Austin, this twenty-fifth day of September, A. D. 1883.

JNO. IRELAND,  
Governor.

By the Governor:  
JOS. W. BAINES,  
Secretary of State.



## PROCLAMATION BY THE GOVERNOR OF TEXAS.

---

To all whom these presents may concern :

Whereas, An extraordinary occasion has arisen, requiring the convening of the Legislature:

Now, therefore, I, John Ireland, Governor of the State of Texas, do, by virtue of the authority vested in me by the Constitution and laws of said State, hereby call a Special Session of the Eighteenth Legislature, to be convened in the city of Austin, commencing at 12 o'clock M. on the Second Tuesday in January, A. D. 1884, for the following purposes, to-wit:

1. To provide for the levy and collection of a tax to maintain a system of free schools, under the amended Constitution.
2. To adjust the free school law to the requirements of the amended Constitution.
3. To reduce taxation for general revenue purposes.
4. To effect necessary legislation so as to protect the interests of the State, and provide an equitable rule, in the re-sale of lands purchased by the State at tax sales, between the original owner and the State.
5. To consider and provide a remedy for wanton destruction of fences.
6. To provide a more efficient system of highways, and to amend the law providing a penalty for enclosing school lands.
7. To provide some mode by which the agents of the State at the Capital can take care of and protect the property of the State.
8. To amend the law organizing the judicial districts of the State.
9. To determine whether or not the common school funds shall be invested in any other securities than those named in the Constitution; and, if so, to provide therefor.
10. To determine whether or not the State shall be represented at the Exposition to be held in New Orleans in 1885; and, if so, to provide therefor.
11. To make appropriations to meet deficiencies in appropriations heretofore made for Texas Veterans, and the contingent expenses, the per diem pay and mileage of the Eighteenth Legislature.
12. To authorize counties to issue bonds for the purpose of funding their indebtedness, created for other purposes than for the erection of court houses; and to allow the Board of Education to transfer State and Federal bonds to the University fund.
13. To amend the law passed at the regular session of the Eighteenth Legislature, approved April 12, 1883, entitled "An act to provide for the classification, sale and lease of lands heretofore or hereafter surveyed and set apart for the benefit of the

Common School, University, Lunatic, Blind, Deaf and Dumb, and Orphan Asylum funds.

14. The re-enactment of the bill amending the attachment law, passed at regular last session, but which never reached the Executive.

In testimony whereof, I have hereto signed my name, and  
[L. s.] have caused to be impressed hereon the seal of State, at Austin, this the 15th day of October, A. D. 1883.

JNO. IRELAND,  
Governor.

By the Governor:

JOS. W. BAINES,  
Secretary of State.



# GENERAL LAWS OF TEXAS.

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H. B. No. 12.]

## CHAPTER I.

An Act making an appropriation to defray the contingent expenses of the Eighteenth Legislature, convened on January 8, 1884, in Extra Session by Proclamation of the Governor.

Whereas, it is of sufficient importance that the contingent expenses of the Extra Session of the Eighteenth Legislature be promptly paid, in order that the material furnished and labor performed may be procured at cash prices; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, to pay the contingent expenses of the Extra Session of the Eighteenth Legislature, and that, except in the case of accounts for printing done and stationery furnished, the approval by the chairman of the committee on contingent expenses of either House, countersigned by the President of the Senate or Speaker of the House of Representatives, as the case may be, shall be sufficient authority to authorize the Comptroller to issue his warrant on the State Treasurer for the payment of any account against said fund. The accounts for printing and stationery shall take the course prescribed by the Revised Statutes.

Section 2. That the public importance of the objects herein contemplated creates an imperative public necessity and emergency fully authorizing the suspension of the constitutional rule requiring the reading of bills upon three several days, and the said rule is hereby suspended, and this act shall be in force and take effect from and after its passage.

I hereby certify that the within H. B. No. 12, originated in the House, and passed the same Jany. 10th 1884 by a  $\frac{3}{4}$  vote, ayes 88, nays 0.

J. W. BOOTH,  
Chief Clerk House of Representatives.

I hereby certify that the within H. B. No. 12, passed the Senate Jany. 11th 1884, by a  $\frac{3}{4}$  vote. Yeas 29.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved January 12th, 1884.

JNO. IRELAND, Governor.

H. B. No. 4.]

## CHAPTER II.

An Act making an appropriation for mileage and per diem pay of members and per diem pay of officers and employees of the called session of the Eighteenth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of fifty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any moneys in the Treasury, not otherwise appropriated, for the payment of mileage and per diem pay of the members and the payment of the per diem pay of the officers and employees of the called session of the Eighteenth Legislature.

Section 2. That the certificate of the Secretary of the Senate, approved by the President thereof, or the certificate of the Chief Clerk of the House, approved by the Speaker thereof, shall be sufficient evidence to the Comptroller, upon which he shall audit the claims and issue his warrants upon the Treasurer for the respective amounts.

Section 3. That the balance of the moneys remaining in the Treasury heretofore appriated for the per diem pay and mileage of the members and the per diem pay of the officers and employees of any preceding session of the Legislature of the State of Texas, be and the same is hereby re-appropriated for the purposes specified in this act.

Section 4. And whereas, the called session of the Eighteenth Legislature for the payment of the members and officers of which this law is enacted, is now in session, and public policy requires this payment, therefore an imperative public necessity exists, that the rule requiring this bill to be read on three several days be suspended, and it is so enacted, and that this act take effect and be in force from and after its passage.

I hereby certify that the within H. B. No. 4, originated in the House and passed the same Jan'y 10th 1884 by a  $\frac{2}{3}$  vote. Ayes 88, nays 1.

J. W. BOOTH,  
Chief Clerk House of Representatives.

I hereby certify that the within H. B. No. 4 passed the Senate Jan'y 11th 1884, by a  $\frac{2}{3}$  vote, Ayes 26, nays none.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved January 14th, 1884.

JNO. IRELAND, Governor.

H. B. No. 5.]

CHAPTER III.

An Act to amend an act entitled "An Act to redistrict the State into Judicial Districts and fix the times for holding court therein, and to provide for the election of Judges and District Attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in Nov. 1884. Approved April 9th 1883.

Section 1. Be it enacted by the Legislature of the State Texas, That section 10 of an act entitled: An Act to redistrict the State into judicial districts and fix the times for holding court therein and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in Nov. 1884, approved April 9, 1883, be so amended as to read as follows:

Sec. 10. The county of Galveston shall constitute the tenth judicial district and the District Court shall be begun and held therein as follows: On the first Mondays in February, April, June, October and December and may continue in session until the business is disposed of.

Approved January 17th, 1884.

JNO. IRELAND, Governor.

H. B. No. 33.]

CHAPTER IV.

An act making appropriations for deficiencies in the appropriations heretofore made for payment of expenses in support of the government from March 1, 1883, to February 29, 1884, and for payment of the annual interest on the public debt from March 1st 1884, to February 28th 1885.

Section 1. Be it enacted by the Legislature of the State of Texas: That the following sums or so much thereof as may be necessary be and the same are hereby appropriated out of the monies in the Treasury not otherwise appropriated, for deficiencies in the appropriations heretofore made for payment of expenses in support of the Government from March 1, 1883 to February 29, 1884, and for payment of the annual interest on the public debt from March 1, 1884 to February 28, 1885.

Deficiencies in Pensions to Texas Veterans.

To pay deficiencies in the appropriations for Texas Veterans. \$75,000 00

Deficiencies in Contingent Expenses.

To pay deficiencies in the appropriation for contingent expenses and to pay officers and employees of the regular session of the Eighteenth Legislature.....	\$1,250 00
For payment of annual interest on State bonds now outstanding, from March 1, 1884 to February 28th 1885.....	\$244,062 20
For payment of the expenses of attached witnesses in felony cases .....	\$15,000 00

For sheriffs, district attorneys, clerks, justices of the peace  
and other officers in criminal matters..... \$5,000 00

Section 2. That whereas the deficiencies named in the preceding section remain due and unpaid, to the inconvenience of parties due the same, therefore an emergency and necessity exists for the suspension of the constitutional rule requiring bills to be read on three several days in each house, and said rule is so suspended, and that this act should take effect and be in force from and after its passage, and it is so enacted.

I hereby certify that the within H. B. No. 33, originated in the House, and passed the same by a  $\frac{3}{4}$  vote, Jany. 22, 1884, Ayes 82.

J. W. BOOTH,  
Chief Clerk House of Representatives.

I hereby certify that the within H. B. No. 33, passed the Senate Jany. 25, 1884, by a  $\frac{3}{4}$  vote Ayes 26.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved January 28th, 1884.

JNO. IRELAND, Governor.

H. B. No. 30.]

## CHAPTER V.

An act to amend section 40 of an act entitled: An act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said Districts at the next general election to be held on the first Tuesday after the first Monday in November 1884. Approved, April 9, 1883.

Section 1. Be it enacted by the Legislature of the State of Texas: That, section 40 of an act entitled: An act to redistrict the State into judicial districts and fix the times for holding court therein; and to provide for the election of Judges and District Attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November 1884. Approved, April 9, 1883 shall hereafter read as follows:

Section 40. A district attorney shall be elected in each of the following districts at the next general election, towit: First, Second, Third, Fourth, Fifth, Seventh, Eighth, Ninth, Twelfth, Thirteenth, Twentieth, Twenty-first, Twenty-second, Twenty-third, Twenty-fourth, Twenty-fifth, Twenty-sixth, Twenty-seventh, Twenty-eighth, Twenty-ninth, Thirtieth, Thirty-first, Thirty-second, Thirty-third, Thirty-fourth, Thirty-fifth, Thirty-sixth, Thirty-seventh and Thirty-eighth.

Approved January 28th, 1884.

JNO. IRELAND, Governor.

S. S. B. No. 70.]

CHAPTER VI.

An Act to amend section 16, of an act entitled "An act to redistrict the State into Judicial Districts and fix the times for holding court therein and to provide for the election of Judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November 1884," approved April 9th 1883.

Section 1. Be it enacted by the Legislature of the State of Texas; That Section 16, of the above recited act be amended, so as hereafter to read as follows;

Section 16. The Sixteenth Judicial District shall be composed of the counties of Denton, Wise, Montague and Cooke and the District Court shall be held therein as follows: In the county of Denton on the first Mondays in January and August and may continue in session six weeks: In the county of Wise on the sixth Mondays after the first Mondays in January and August and may continue in session five weeks: In the county of Montague on the eleventh Mondays after the first Mondays in January and August and may continue in session four weeks: In the county of Cooke on the fifteenth Mondays after the first Mondays in January and August and may continue in session until the business is disposed of.

Section 2. The large amount of business to be transacted during the remainder of this session, and the necessity that this act should be passed at the present session, creates an imperative necessity that the constitutional rule requiring bills to be read on three several days in each house, be suspended and said rule is therefore suspended.

I hereby certify that the within S. S. B. No. 70 originated in the Senate and passed the same January 23rd 1884.

WM. NEAL RAMEY,  
Secretary of the Senate.

I hereby certify that the within S. S. B. No. 70 passed the House of Representatives January 28th 1884.

J. W. BOOTH,  
Chief Clerk House of Representatives.

Approved January 30th, 1884.

JNO. IRELAND, Governor.

S. B. No. 34.]

CHAPTER VII.

An Act to amend "an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of Judges and District Attorneys in said districts, at the next general election to be held on the first Tuesday after the first Monday in November 1884, approved April 9th 1883." in so far as the same relates to the second and third judicial districts.

Sec. 1. Be it enacted by the Legislature of the State of  
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Texas, that the act of the Legislature entitled "An act to redistrict the State into judicial districts and fix the times for holding courts therein, and to provide for the election of Judges and District Attorneys in said districts, at the next general election, to be held on the first Tuesday after the first Monday in November 1884," approved April 9th 1883, in so far as the same relates to the second and third judicial districts shall be amended so as to read as follows:

Sec. 2. The second judicial district shall be composed of the counties of Sabine, San Augustine, Nacogdoches and Cherokee; and the district courts shall be held therein as follows; In the county of Sabine on the first Monday in February and September and may continue in session two weeks. In the county of San Augustine on the second Mondays after the first Mondays in February and September and may continue in session four weeks. In the county of Nacogdoches on the sixth Monday after the first Mondays in February and September and may continue in session six weeks. In the county of Cherokee on the twelfth Monday after the first Monday in February and September and may continue in session until the business is disposed of.

Sec. 3. The Third Judicial District shall be composed of the counties of Henderson, Houston and Anderson and the District Courts shall be held therein as follows. In the county of Henderson on the first Monday in February and September, and may continue in session four weeks. In the county of Houston on the fourth Monday after the first Monday in February and September and may continue in session seven weeks. In the county of Anderson on the eleventh Monday after the first Monday in February and September and may continue in session until the business is disposed of.

Sec. 4. A District Judge shall be elected in each of said districts, viz: the second and third Judicial Districts, at the next general election in this State, to be held on the first Tuesday after the first Monday in November A. D. 1884, and the Judges so elected shall hold their offices, for the term of four years.

Sec. 5. A district attorney shall be elected in the second and third judicial districts at said general election in the year 1884.

Sec. 6. All writs and process, civil and criminal, heretofore issued or which may be issued, and made returnable to the terms of said district courts, as said terms are fixed by law, (now) at the time this act takes effect, shall be and are hereby made returnable to the next ensuing terms of said courts, as they are prescribed in this act,—and all writs and process issued by or from said courts after the adjournment of the term last held under the law as it exists, at the time of the passage of this act, shall be made returnable to the terms as prescribed in this act, and all such writs and process hereinbefore mentioned are hereby legalized and validated to all intents and purposes.

Sec. 7. The courts shall be held under this act on and after the first Monday in September A. D. 1884.

Sec. 8. The Governor shall appoint a District Judge, for the third Judicial District during the month of August A. D. 1884, who shall hold his office until the election and qualification of

his successor. At the date of such appointment the Judge of the present third Judicial District shall be the Judge of the second District as prescribed in this act, and on and after the first Monday in September 1884, the counties of Henderson, Houston and Anderson shall cease to be a portion of any other judicial district and be and become the third Judicial District of Texas, and the counties of Sabine, San Augustine, Nacogdoches and Cherokee shall be and become the Second Judicial District of Texas, until the said first Monday in September A. D. 1884, the District Courts shall be held in all the counties mentioned in this act as now prescribed by law and as portions of the district of which they are now a part, except that the terms of the court in Henderson county shall not be held in August A. D. 1884.

Sec. 9. The District Attorney of the Third Judicial District as it now exists, shall continue to be District Attorney of the Third Judicial District as it is herein established until the election and qualification of a district attorney at the general election in the year 1884 and the district Attorney of the fourth District shall continue to be the district attorney thereof until the election and qualification of his successor at the general election in the year 1884; and the Governor shall appoint a District Attorney for the second Judicial District as herein organized, on or before Sept. 1st 1884 who shall hold his office until the election and qualification of his successor at the general election in the year 1884.

Sec. 10. The near approach of the end of the session, creates a necessity for the suspension of the rule, requiring this bill to be read on three several days, and it is hereby suspended.

I hereby certify that the within S. B. No. 34, originated in the Senate and passed the same January 23rd 1884.

WM. NEAL RAMEY,  
Secretary of the Senate.

I hereby certify that the within S. B. No. 34 passed the House of Representatives January 28th 1884.

J. W. BOOTH,  
Chief Clerk House of Representatives.

Approved January 30th, 1884.

JNO. IRELAND, Governor.

H. B. No. 68.]

## CHAPTER VIII.

An Act to amend section 4, of an act entitled: "An act to reorganize the Twelfth, Sixteenth, Seventeenth, Twenty-Ninth, Thirty-Fourth and Thirty-Fifth Judicial Districts and to fix the times of holding the courts therein; to change the times for holding the District Courts in the Seventh and Fourteenth Judicial Districts and in the counties of Kaufman, Sabine, San Augustine and Nacogdoches, and to provide for a District Attorney in the Sixteenth Judicial District," approved, March 27, 1883.

Sec. 1. Be it enacted by the Legislature of the State of Texas: That section 4 of an act entitled: "An act to reorganize the Twelfth, Sixteenth, Seventeenth, Twenty-Ninth, Thirty-

Fourth and Thirty-Fifth Judicial Districts, and to fix the times of holding the courts therein; to change times for holding the District Courts in the Seventh and Fourteenth Judicial Districts, and in the counties of Kaufman, Sabine, San Augustine and Nacogdoches, and to provide for a District Attorney in the Sixteenth Judicial District," approved March 27, 1883, be and the same is hereby amended so as to read hereafter as follows:

#### Section 4.

That the counties of Wheeler, Oldham, Donley and the unorganized counties of Collingsworth, Greer, Childress, Hall, Briscoe, Floyd, Parmer, Castro, Swisher, Armstrong, Randall, Deaf Smith, Potter, Carson, Gray, Hemphill, Roberts, Hutchinson, Moore, Hartley, Dallam, Sherman, Hansforth, Ochiltree and Lipscomb, be and the same are hereby constituted the Thirty-fifth Judicial District and the District court shall be held in the counties composing said District as follows: In the county of Donley on the first Mondays in January and July, and may continue in session four weeks. In the county of Oldham on the fourth Monday after the first Mondays in January and July, and may continue in session four weeks. In the county of Wheeler on the first Mondays in April, and November and may continue in session four weeks. The unorganized counties of Sherman, Moore, Potter, Castro, Parmer, Deaf Smith, Hartley and Dallam are hereby attached to the county of Oldham for Judicial purposes; the unorganized counties of Carson, Randall, Armstrong, Swisher, Floyd, Briscoe, Hall and Childress are hereby attached to the county of Donley for for Judicial purposes; the unorganized counties of Greer, Collingsworth, Gray, Hutchinson, Hansford, Ochiltree, Roberts, Hemphill and Lipscomb are hereby attached to the county of Wheeler for Judicial purposes.

Sec. 2. The fact that this act changes the times of holding the District Courts in Wheeler and Oldham counties so that the next District Court of Oldham county should be held in February next creates an imperative public necessity and an emergency exists requiring the immediate passage of this act and that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect from and after its passage and it is so enacted.

I hereby certify that the within H. B. No. 68 originated in the House and passed the same Jany. 16th 1884, by a  $\frac{3}{4}$  vote, ayes 84, nays none.

J. W. BOOTH,

Chief Clerk, House of Representatives.

I hereby certify that the within H. B. No. 68, passed the Senate Jany. 28th 1884, by a  $\frac{3}{4}$  vote, ayes 28 nays none.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved January 30th, 1884.

JNO. IRELAND, Governor.

S. B. No. 35.]

## CHAPTER IX.

An act to amend section 30 of "an act to redistrict the State into judicial districts and fix the times for holding courts therein and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November 1884" approved April 9th 1883.

Section 1. Be it enacted by the Legislature of the State of Texas; That section 30, of "an act to redistrict the State into judicial districts and fix the times for holding courts therein and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November 1884" approved April 9th, 1883, shall hereafter read as follows:

Section 30. The thirtieth judicial district shall be composed of the counties of Jack, Clay, Wichita, Archer, Young, Throckmorton, Baylor and Wilbarger and the unorganized counties of Hardeman, Knox, Haskell, King, Lamb, Bailey, Dickens, Crosby, Lubbock, Hockley, Cochran and Cottle and the district courts shall be held therein as follows: In the county of Jack on the second Mondays in January and July and may continue in session three weeks: in the county of Young on the third Monday after the second Mondays in January and July and may continue in session three weeks: in the county of Throckmorton on the sixth Monday after the second Mondays in January and July and may continue in session two weeks; in the county of Baylor on the eighth Monday after the second Mondays in January and July and may continue in session two weeks; in the county of Wilbarger on the tenth Monday after the second Mondays in January and July and may continue in session two weeks; in the county of Wichita on the twelfth Monday after the second Mondays in January and July and may continue in session two weeks; in the county of Archer on the fourteenth Monday after the second Mondays in January and July and may continue in session two weeks: in the county of Clay on the sixteenth Monday after the second Mondays in January and July and may continue in session four weeks; the county of Haskell be and the same is hereby attached for judicial purposes to the county of Throckmorton: the counties of King, Lamb, Bailey, Dickens, Crosby, Lubbock, Hockley, Cochran, and Knox, to the county of Baylor: the counties of Hardeman and Cottle to the county of Wilbarger, and when the county of Knox shall be organized, the county of King shall be attached to it for judicial purposes and the county of Cottle to the county of Hardeman whenever the county of Hardeman shall be organized.

Section 2. All judges heretofore elected or appointed and whose terms of office shall not expire at the next general election, shall continue to hold their offices until the terms for which they were appointed or elected shall expire and shall hold the courts in the District in which they reside.

Section 3. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Section 4. The near approach of the close of the present session of the Legislature and the great amount of business requiring action, creates an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days in each House, said rule is therefore suspended.

I hereby certify that the within S. B. No. 35, originated in the Senate and passed the same January 23rd 1884.

WM. NEAL RAMEY,  
Secretary of the Senate.

I hereby certify that the within S. B. No. 35, passed the House of Representatives January 28th 1884.

J. W. BOOTH,  
Chief Clerk of the House of Representatives.

Approved January 30th, 1884.

JNO. IRELAND, Governor.

S. H. B. No. 11]

## CHAPTER X.

An Act to amend article 413, chapter 2, Title 13, of an act entitled: "An act to adopt and establish a Penal Code and a code of criminal procedure for the State of Texas," passed February 21, 1879, and to repeal all laws in conflict therewith.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 413, Chapter 2 Title 13 of an act entitled, "An act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas" passed February 21, 1879, be so amended as to hereafter read as follows:

### Article 413.

Any person or persons placing a gate on or across any third class road, or on or across any road such as is designated in article 412 of the Penal Code shall be required to keep said gate and the approaches to the same in good order, and the gate shall be ten feet wide and so constructed as to cause no unnecessary delay to the travelling public in opening and shutting the same; and provide a fastening to hold said gate open till the passengers go through and such person or persons shall place a permanent hitching post and stile block on each side of and within sixty feet of such gate. Any person or persons, who may hereafter place a gate on or across a third class road, or on or across any road such as is designated in article 412, who shall wilfully or negligently fail to comply with the requirements of this article shall be deemed guilty of a misdemeanor, and on conviction may be fined in any sum not less than five nor more than twenty dollars for each offense, and each week of such failure shall constitute a separate offense. Any person or persons, who shall wilfully or negligently leave

open any gate on or across any third class road or on or across any road such as is designated in article 412, shall be deemed guilty of a misdemeanor, and on conviction may be fined in any sum as above provided for.

Section 2. All laws and parts of laws in conflict herewith be and the same are hereby repealed.

Section 3. The near approach of the close of the present session of the Legislature and the importance of this bill creates an imperative public necessity and emergency that the constitutional rule requiring bills to be read on three several days be suspended and it is so enacted.

I hereby certify that the within S. H. B. No. 11, originated in the House and passed the same Jany. 17th 1884.

J. W. BOOTH,  
Chief Clerk, House of Representatives.

I hereby certify that the within S. H. B. No. 11, passed the Senate Jany. 28th, 1884.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved February 2nd, 1884.

JNO. IRELAND, Governor.

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H. B. No. 28.]

CHAPTER XI.

An Act to amend Article 4360, of Title 87, Chapter One, providing for the establishment of Public Roads, and to prohibit Commissioners' Courts from altering or changing Public Roads, except for the purpose of shortening the distance from the point of beginning to the point of destination, and to repeal all laws in conflict with this act.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 4360, Title 87, Chapter One, shall be so amended as to hereafter read as follows:

Article 4360.

The Commissioners' courts, of the several counties shall have full power and it shall be their duty to order the laying out and opening of Public Roads when necessary, and to discontinue or alter any road whenever it shall be deemed expedient, as whereinafter prescribed, provided that hereafter no public road shall be altered or changed, except for the purpose of shortening the distance from the point of beginning to the point of destination.

Section 2. All laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 2nd, 1884.

JNO. IRELAND, Governor.

H. B. No. 92.]

## CHAPTER XII.

An act to make an appropriation to be used by the Governor for the payment of rewards and ferreting out and suppressing crime.

Section 1. Be it enacted by the Legislature of the State of Texas: That the sum of fifty thousand dollars (\$50,000) or so much thereof as may be necessary is hereby appropriated out of any money in the treasury not otherwise appropriated, to be used by the Governor for the payment of rewards, and ferreting out and suppressing crime.

Section 2. The wide-spread and increasing lawlessness in this State, and the growing insecurity of life and property create an emergency and an imperative public necessity which requires that the constitutional rule that bills be read on three several days be suspended and that this act take effect from and after its passage, and it is so enacted.

I hereby certify that the within H. B. No. 92, originated in the House and passed the same by a  $\frac{3}{4}$  vote Feby. 2d 1884 ayes 93 nays 0.

J. W. BOOTH,  
Chief Clerk of House of Representatives.

I hereby certify that the within H. B. 92 passed the Senate by a  $\frac{3}{4}$  vote, Feby. 2d 1884, ayes 27, nays 1.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved February 4th, 1884.

JNO. IRELAND, Governor.

S. H. B. 6, 23, 24, 25, 26, 29, 34, 43, 47 and 63.]

## CHAPTER XIII.

An act to amend articles 4360, 4361, 4366, 4367, 4370, 4371, 4372, 4375, 4379, 4384, 4387, 4389, and 4390, of Title 87, chapter one and to add thereto articles 4390a, 4390b, 4390c, and also to amend article 4392 of chapter 2, and article 4418 of chapter 4, Title 87 of the revised civil statutes relating to Public roads and to enforce the provisions of article 4390a, of this bill and to provide adequate penalties therefor.

Section 1. Be it enacted by the Legislature of the State of Texas: That articles 4390a, 4390b, 4390c, be added to chapter 1, Title 87, of the Revised Civil Statutes, and that articles 4360, 4361, 4366, 4367, 4370, 4371, 4372, 4375, 4379, 4384, 4389 and 4390, of said chapter and title, and article 4392, chapter 2, and article 4418 chapter 4, Title 87, be so amended as to hereafter read as follows:

## Article 4360.

The Commissioners' Courts of the several counties, shall have-

full power, and it shall be their duty, to order the laying out and opening of public roads when necessary, and to discontinue or alter any road, whenever it shall be deemed expedient, as hereafter prescribed; provided, that hereafter no public road shall be altered or changed except for the purpose of shortening the distance from the point of beginning to the point of destination.

#### Article 4361.

It shall be the duty of the Commissioners' Courts to classify all public roads in their counties into first, second and third class roads, and to act as supervisors of roads in their respective precincts as hereinafter provided, and Commissioners' Courts may, on their own motion, where it is deemed necessary, open new roads or straighten existing ones.

#### Article 4366.

All applications for a new road, and all applications to discontinue an existing one, shall be by petition to the Commissioners' Court, signed by at least eight freeholders in the precinct or precincts in which such road is desired to be made or discontinued, specifying in such petition the beginning and termination of such road proposed to be opened or discontinued, provided, that where one or more persons live within any enclosure either or all of them may petition the Commissioners' Court for a third class road or neighborhood road to their nearest trading points, mills, gins, school and church houses and county seats, and the courts shall open such roads, as hereinafter provided in the opening of third class roads: and provided further, that no part of a public road shall be discontinued, unless a new road connecting that part of such roads, not discontinued shall first be opened, and provided further, that no part of a first or second class road shall be reduced to a road of a lower class.

#### Article 4367.

All roads hereafter ordered to be made shall be laid out by a jury of freeholders of the county, to be appointed by the commissioners' court. Said jury shall consist of five persons, a majority of whom may proceed, with the county surveyor, to lay out, survey and describe such road, to the greatest advantage to the public and so that the same can be traced with certainty and the field notes of such survey and description of the road shall be included in the report of the jury, and if adopted shall be recorded in the minutes of the commissioners' courts.

#### Article 4370.

The jury of freeholders provided for in article 4367 shall issue a notice in writing to the land owners through whose lands such proposed road may run, or to his agent or attorney, of the time when they will proceed to lay out such road, or when they will assess the damages incidental to the opening



of the same, which notice shall be served upon such owner, his agent or attorney, at least five days before the day therein named. If such owner is a non-resident of the county the notice may be given by publication in a news paper published in the county, as notices are required to be given to non-resident defendants as to action in the district or county court, and the road may be established after four weeks publication, the cost of publishing to be paid as directed by judgment of the court.

#### Article 4371.

The owner of any such land may, at the time stated in such notice, or previously thereto, present to the jury a statement in writing of the damages claimed by him, if any, incidental to the opening of such road, and thereupon the jury shall proceed to assess the damages, returning their assessment and the claimant's statement with their report, to the commissioners' court.

#### Article 4372.

If the commissioners' court shall approve of the report and order such road to be opened, they shall consider the assessment of damages by the jury and the claimant's statement thereof, and allow to such owner just damages and adequate compensation for the land taken, and when paid or secured by deposit with the county treasurer, to the credit of such owner, they may proceed to have such road opened. If the owner of the land is not satisfied with the assessment by the commissioners' court, he may appeal therefrom as in cases of appeal from judgment of Justices' Court, but such appeal shall not prevent the road from being opened, but shall be only to fix the amount of damages. If no claim of damages is filed with such jury, after notice as provided in the preceding article, the same shall be considered as waived.

#### Article 4375.

The Commissioners' Court may alter or change the course of any public road in accordance with article 4360 of this chapter, after notice and upon application in the same manner as provided in this chapter for the discontinuance of a road, except that that the application need not be signed by more than one freeholder of the precinct in which such alteration or change is proposed to be made.

#### Article 4379.

For further and better providing for public roads, any lines between different persons or owners of land, any section line, or any direct line through an enclosure containing twelve hundred and eighty acres of land or more, may, upon the conditions provided for in the following articles of this chapter, be declared public highways, and left open and free from all obstructions for fifteen feet on either side of said lines, but the marked

trees and other objects used to designate said lines, and the corners of surveys, shall not be removed or defaced.

Article 4384.

At a regular term of the court, after due service of notice as provided in the preceding article, the commissioners' court may, in its discretion, should it deem the road of sufficient public importance, issue an order declaring the lines designated in the application to be public highways, and direct that the same be opened by the owners thereof and left open for a space of fifteen feet on each side of said line.

Article 4387.

All costs attending the proceedings provided for in relation to opening of neighborhood roads shall be paid by the county, if the application be granted.

Article 4389.

The owners of the land whose lines have been or may be declared public highways and also any person through whose land a third class road may run, shall have the right to erect a gate or gates across said road or roads when necessary said gate or gates to be not less than ten feet wide and free of obstructions at the top, provided, that when the right of way for any third class road or neighborhood road has been granted to the county without cost, the owner of such land shall have the right to put a gate across such road or roads; but where such right of way has been condemned and paid for according to existing law, the county commissioners' court shall have the right to prevent any obstruction of such a road by a gate.

Article 4390.

The amount of damages to be allowed to the owners of said lands for opening the line of a neighborhood road, as provided in this chapter, shall be assessed as provided for in the case of first, second and third class roads in this chapter.

Article 4390a.

The county commissioners of the several counties are hereby constituted supervisors of public roads in their respective counties, and each commissioner shall supervise the public roads within his commissioner's precinct once each year and shall receive as compensation therefor three dollars per day for the time actually employed in the discharge of his duties, to be paid out of the road and bridge fund of the county, provided, that no commissioner shall receive pay for more than ten days in each year. He shall also make a report to the first regular term of the commissioners' court held in his county during the year, said report to be made under oath, and to state: First, the

condition of all roads and parts of roads in his precinct, Second, the condition of all culverts and bridges. Third, the amount of money remaining in the hands of overseers subject to be expended upon the roads within his precinct. Fourth the number of mile posts and finger boards defaced, and torn down. Fifth, what, if any, new roads of any kind should be opened in his precinct, and what, if any, bridges, culverts or other improvements are necessary to place the roads in his precinct in good condition and the probable cost of such improvements, also, the name of any overseer who has failed to work the road, or in any way neglected to perform his duty. Said report shall be spread upon the minutes of the court to be considered in improving public roads and determining the amount of taxes to be levied therefor and if any commissioner of any commissioners' court in any county in this State shall fail or refuse to discharge any or all duties made obligatory upon him by the provisions of section 1, article 4390a he shall be deemed guilty of a misdemeanor, and, upon conviction therefor before any court of competent jurisdiction, shall be fined in any sum not less than ten nor more than fifty dollars.

#### Article 4390b.

No entire road of the first or second class shall hereafter be discontinued except upon vacation by order of the commissioners' court or non use for a period of three years.

#### Article 4390c.

The report made by the supervisors of public roads to the commissioners' court, as provided for in article 4390a shall be submitted, together with all contracts made by said court since its last report for any work on any road, to the grand jury, at the first term of the district court thereafter.

Section 2. Article 4392. An overseer shall be appointed and hands apportioned by said court for each road precinct at the time of establishing the same; and at the first regular term of court in each year, the said court shall appoint an overseer for each road precinct in the county, and shall at the same time designate all the hands liable to work on public roads, and apportion them to the several overseers; provided, that hands shall as nearly as practicable be apportioned to work on the road precinct nearest to their place of abode; and provided further, that the supervisor of public roads shall at any time apportion any hands in his precinct, who, from any cause, may not have been apportioned as otherwise provided in this act.

Section 3. Article 4418. It shall be the duty of the overseer, within ten days after he has had his road worked, to file with the county attorney of his county, or the justice of the peace of his precinct, a complaint in writing, and under oath against each person who has been summoned to work and who has failed to work and failed to furnish a substitute, and has failed to pay one dollar for each day he has so failed to work or furnish a substitute, and also against each person so so sum-

moned who has refused to do a reasonable amount of work on the road, or who has refused to perform the reasonable directions of the overseer.

Section 4. The fact that the commissioners' court of the several counties will shortly meet and levy taxes for 1884, and the further fact that it is important for this act to go into effect immediately, for the purpose of securing to the people the full benefit of the recently adopted constitutional amendments, constitute an imperative public necessity, requiring that the constitutional requirement requiring bills to be read on three several days be suspended; therefore it is enacted that the constitutional rule be suspended and that this act take effect from and after its passage.

I hereby certify that the within S. H. B. 6, 23, 24, 25, 26, 29, 34, 43, 47 and 63, originated in the House and passed the same by  $\frac{2}{3}$  vote Jan. 23d 1884 ayes 89, nays 5.

J. W. BOOTH,  
Chief Clerk, House of Representatives.

I hereby certify that the within S. H. B. 6, 23, 24, 25, 26, 29, 34, 43, 47, and 63, passed the Senate Feby. 2nd 1884, ayes 18 nays 8.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved February 5th, 1884.

JNO. IRELAND, Governor.

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H. B. No. 44.]

CHAPTER XIV.

An Act to amend Article 804, Chapter 1, Title XVIII, of the Penal Code.

Section 1. Be it enacted by the Legislature of the State of Texas, That Article 804, Chapter 1, Title XVIII, of the Penal Code of the State of Texas be and the same is hereby so amended as to hereafter read as follows:

Article 804.

The agreement to come within the definition of conspiracy must be to commit one or more of the following offenses, to-wit: Murder, robbery, arson, burglary, rape, or any other offense of the grade of a felony.

Sec. 2. The fact that property in this State is being wilfully wantonly destroyed daily creates an imperative public necessity that this bill be in force and take effect from and after its passage, and it is so enacted.

I hereby certify that the within H. B., No. 44, originated in the House, and passed the same, Jan'y 31, '84, by a  $\frac{2}{3}$ ds vote, to-wit: Ayes 75.

J. W. BOOTH,  
Chief Clerk of the House of Representatives.

I hereby certify that the within H. B., No. 44, passed the Senate, Feb'y 4, '84, by  $\frac{2}{3}$ ds vote, to-wit: Ayes 23.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved February 5th, 1884.

JNO. IRELAND, Governor.

S. H. B. 56 & 67.]

## CHAPTER XV.

An act to amend sections 31 and 38 of an act entitled, "an act to redistrict the State into judicial districts, and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts, at the next general election to be held on the first Tuesday after the first Monday in November 1884, approved April 9, 1883."

Section 1. Be it enacted by the Legislature of the State of Texas, That sections thirty one (31) and thirty-eight (38) of an act entitled, "an act to redistrict the State into judicial districts, and fix the times for holding court therein; and to provide for election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883," be so amended as hereafter to read as follows, to-wit:

Section 31. The thirty-first judicial district shall be composed of the counties of Wheeler, Oldham, Donley and the unorganized counties of Greer, Collingsworth, Childress, Hall, Motley, Floyd, Briscoe, Swisher, Hale, Castro, Parmer, Deaf Smith, Randall, Armstrong, Gray, Carson, Potter, Hartley, Moore, Hutchinson, Roberts, Hemphill, Lipscomb, Ochiltree, Hansford, Sherman and Dallam; and the district courts shall be held therein as follows: In the county of Donley on the first Mondays in January and July, and may continue in session four weeks; in the county of Oldham on the fourth Monday after the first Mondays in January and July, and may continue in session four weeks; in the county of Wheeler on the first Mondays in April and November, and may continue in session four weeks. The unorganized counties of Carson, Randall, Armstrong, Swisher, Hale, Floyd Briscoe, Hall, Motley and Childress are attached to the county of Donley for judicial purposes. The unorganized counties of Sherman, Moore, Potter, Castro, Parmer, Deaf Smith, Hartley and Dallam shall be attached to the county of Oldham for judicial purposes, and the unorganized counties of Greer, Colingsworth, Gray, Hutchinson Hansford, Ochiltree, Roberts, Hemphill and Lipscomb are attached to the county of Wheeler for judicial purposes.

Section 38. The Thirty-eighth judicial district shall be composed of the counties of Comal, Kendall, Kerr, Bandera, Medina Uvalde, Edwards, Kinney, and Crockett, and the district courts therein shall be held as follows: In the county of Kinney on the first Mondays in March and September, and may continue in session two weeks; in the county of Uvalde on the second Monday after the first Mondays in March and Septem-

ber, and may continue in session two weeks; in the county of Medina on the fourth Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of Bandera on the sixth Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of Kerr on the eighth Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of Kendall on the eleventh Monday after the first Mondays in March and September, and may continue in session two weeks; in the county of Comal on the thirteenth Monday after the first Mondays in March and September, and may continue in session until the business is disposed of. The unorganized county of Edwards is hereby attached to the county of Kerr for judicial purposes, and the county of Crockett is hereby attached to the county of Kinney for judicial purposes.

Section 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Section 3. The near approach of the close of the session of the Legislature creates an imperative public necessity, which justifies the suspension of the constitutional rule requiring bills to be read on three several days, and the same is therefore suspended.

I hereby certify that the within S. H. B. 56 & 67, originated in the House and passed the same Jany. 28th 1884.

J. W. BOOTH,  
Chief Clerk, House of Representatives.

I hereby certify that the within S. H. B. 56 & 67 passed the Senate February 1st 1884.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved February 5th, 1884.

JNO. IRELAND, Governor.

H. B. No. 72.]

## CHAPTER XVI.

An Act to amend Articles 3027 and 3029 of Chapter 3 Title 57 of the Revised Statutes of the State of Texas:

Section 1. Be it enacted by the Legislature of the State of Texas: That articles 3027 and 3029 Chapter 3, Title 57, of the Revised Civil Statutes of the State of Texas be and they are hereby so amended as hereafter to read as follows, to wit:

### Article 3027.

The County Court shall at its first term after the 31st day of December and the 30th day of June of each year appoint three persons to perform the duties of Jury Commissioners for said

Court who shall possess the same qualifications as Jury Commissioners for the District Court and the same proceedings shall be had in the County Court by the officers thereof and by the commissioners for procuring jurors as are required by this title for similar proceedings in the district court except as modified by the provisions of this chapter.

Article 3029.

Such commissioners shall select jurors for all the terms of the County Court to be holden within six months next after the adjournment of the first term of said court after the said 31st day of December and the 30th day of June of each year and the County Judge shall designate the number of jurors to be so selected for each term and week.

Section 2. The fact that there is no law now in force authorizing the appointment of Jury Commissioners for the County Courts, and that said Courts will meet throughout the State on the first Monday in February next, creates an imperative public necessity and emergency that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

I hereby certify that the within H. B. No. 72 originated in the House and passed the same Jan'y 18th 1884. Ayes 73, nays 9.

J. W. BOOTH,  
Chief Clerk, House of Representatives.

I hereby certify that the within H. B. No. 72 passed the Senate February 2nd 1884. Ayes 24

WM. NEAL RAMEY,  
Secretary of the Senate.

NOTE.—The foregoing bill was presented to the Governor of Texas for his approval on the 4th day of February A. D. 1884, and was not signed by him, or returned to the House in which it originated, with his objection thereto, within the time prescribed by the constitution, and thereupon became a law without his signature.

J. W. BAINES,  
Secretary of State.

H. B. No. 98.]

CHAPTER XVII.

An act to amend chapter 9, section 1, of an act of the regular session of the Seventeenth Legislature entitled: "an act authorizing the county commissioners' court of the several counties of this State to issue bonds for the erection of a court-house, and to levy a tax to pay for the same, approved Feb'y 11, 1881," so as to include the issue of jail bonds.

Section 1. Be it enacted by the Legislature of the State of Texas, That section 1 of chapter 9, of the laws of the regular

session of the Seventeenth Legislature be so amended as hereafter to read as follows:

Section 1.

That the county commissioners court of any county is hereby authorized and empowered to issue the bonds of said county, with interest coupons attached, in such amount as may be necessary to erect a suitable building for a court-house, or jail, or both; said bonds running not exceeding fifteen years, and redeemable at the pleasure of the county, and bearing interest at a rate not exceeding eight per cent. per annum.

Sec. 2. Whereas there are now many counties in this State without suitable jails, and there is no law authorizing counties to issue bonds to pay for the construction of the same, therefore an imperative public necessity and emergency exists requiring the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

I hereby certify that the within H. B. No. 98, originated in the House and passed the same by a  $\frac{2}{3}$  vote, Jan'y 30, '84, ayes 87, nays 4.

J. W. BOOTH,  
Chief Clerk of the House of Representatives.

I hereby certify that the within H. B. No. 98, passed the Senate, Feb'y 2d, '84 by a  $\frac{2}{3}$  vote—Ayes 23, Nays—

WM. NEAL RAMEY,  
Secretary of the Senate.

NOTE—The foregoing bill was presented to the Governor of Texas for his approval on the 4th day of February 1884, and was not signed by him or returned to the house in which it originated, with his objection thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.

J. W. BAINES,  
Secretary of State.

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S. B. No. 68.]

CHAPTER XVIII.

An act to authorize counties to issue bonds for bridge purposes and to levy a tax to pay the same; also to validate bonds heretofore issued for bridge purposes.

Section 1. Be it enacted by the Legislature of the State of Texas; That the County Commissioners Courts of the several counties of this State are hereby authorized and empowered to issue the bonds of said county, with interest coupons attached, for such amounts as may be necessary for the purpose of buying or constructing bridges for public uses within such county,



said bonds to run not exceeding twenty years and bear interest at any rate not to exceed eight per cent per annum.

Section 2. The Commissioners Court shall levy an annual advalorem tax, not to exceed fifteen cents on the one hundred dollars valuation, sufficient to pay the interest on, and create a sinking fund for the redemption of said bonds. The sinking fund herein provided for shall not be less than four per cent on the full sum for which the bonds are issued.

Section 3. Said bonds shall never be sold at less than their face value, and the interest on the same shall be paid annually on the 10th day of April of each year, and they shall be registered, and an account kept by the county treasurer of the amount of said bonds and the principal and interest paid on each, in a well bound book for that purpose; provided, that no county shall issue a larger amount of bonds than a tax of ten cents on the one hundred dollars valuation of property in the county will liquidate in ten years.

Section 4. Said bonds shall be signed by the County Judge and countersigned by the County Clerk, and registered by the treasurer before they are delivered.

Section 5. Moneys in the hands of the county treasurer belonging to the sinking fund of any county shall be first applied to the payment of said bonds, or be invested in other bonds of that county, or other counties in the State, or in bonds of this State or United States; provided in no case shall more than the face value be paid for the bonds above mentioned.

Section 6. All bonds heretofore issued for the purposes named in this bill, are hereby validated; provided said bonds come within the limitations of the provisions of this bill.

Section 7. The near approach of the close of the session of the Legislature and the importance of a law authorizing the issuance of bridge bonds, creates an emergency and a public necessity, that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

I hereby certify that the within S. B. No. 68, originated in the Senate and passed the same Jany. 13th 1884—ayes 16—nays 11.

WM. NEAL RAMEY,  
Secretary of the Senate.

I hereby certify that the within S. B. No. 68 passed the House of Representatives by  $\frac{4}{5}$  vote, Feby 2nd 1884.

J. W. BOOTH,  
Chief Clerk, House of Representatives.

NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 4th day of February 1884 and was not signed by him or returned to the house in which it originated, with his objection thereto, within the time prescribed by the constitution and therefore became a law without his signature.

J. W. BAINES,  
Secretary of State

## H. B. No. 13.]

## CHAPTER XIX.

An act to amend sections 3 and 11 of an act to provide for the sale of all real estate bid off to the State by collectors of taxes, at tax sales, the owners of which have not redeemed the same, approved April 7, 1879, and to extend the right of redemption.

Section 1. Be it enacted by the Legislature of the State of Texas: That sections 3 and 11 of an act to provide for the sale of all real estate bid off to the State by collectors of taxes at tax sales, the owners of which have not redeemed the same, approved April 7, 1879, be so amended as to read as follows, to wit:

Section 3. The collector of taxes shall, prior to the sale of any real estate that has been previously bid off to the State at tax sales, the owners of which have failed to redeem the same, advertise the real estate to be sold in some news paper published in the county for six successive weeks, if there be such news paper published therein, otherwise he shall post advertisements of said sale at the court house door and at one public place in each justices' precinct of his county, for at least six weeks, giving in said advertisement, whether published or posted such description of the lands to be sold as shall be given on the Comptroller's list and stating the time, place and terms of sale, which shall be between legal hours, on the first Tuesday of some specified month at the court house door at public out-cry, to the highest bidder for cash: provided, that no real estate shall, in any case be sold for less than the amount designated by the Comptroller as due thereon, together with all costs of advertisements and sale: and provided further, that no sales shall be made under the provisions of this act, until six months after the same goes into effect; and provided further, that the former owner of any such real real estate his heirs or assigns may redeem the same at any time prior to the sale thereof, by the payment to the collector of the county in which such real estate is situated, or to the Comptroller if in an unorganized county, of the amount designated by the Comptroller as due thereon with costs of advertisement; and provided further, that if it shall at any time appear to the satisfaction of the Comptroller that any land has been sold to the State for taxes which have been paid, or that the sale has not been made in accordance with the law authorizing the sale of land for taxes he shall, upon payment of the amount that may be due thereon, cancel such sale, and in all cases he shall deliver to the owner of the land, or his agent, a certificate under seal of his department, setting forth the fact that such land has been redeemed, or that such sale has been cancelled, which certificate shall release the interest of the State and the same may be recorded in the proper county as other conveyances of real estate are recorded.

Section. 11. Taxes collected by State or county, by sales made under the provisions of this act, shall be placed to the credit of the different funds for which originally assessed under the direction respectively of the Comptroller of Public Accounts

and the commissioners' court of the county in which the sale is made; the balance of the proceeds, after satisfying all taxes penalties and costs accrued, shall, under direction of the Comptroller, be placed in the Treasury of the State as a special tax sale fund, and be subject to be reclaimed by the owner or owners of the land on proof as required in case of escheated estates.

Section 2. That so much of said act hereby amended as is in conflict with the provisions of this act be and the same is hereby repealed.

Section 3. Whereas, there is now no law authorizing the redemption of lands which have heretofore been sold for taxes, and which were bid off for the State, and on which time allowed by law for their redemption has expired; and whereas, the owners of said lands are anxious to redeem the same; and whereas, such redemption will greatly increase the general revenue fund; therefore; an imperative public necessity and emergency exists for the suspension of the constitutional rule, requiring bills to be read on three several days in each house, and the same is hereby suspended, and that this act take effect and be in force from and after its passage and it is so enacted.

I hereby certify that the within H. B. No. 13, originated in the House and passed the same Jan'y. 18th 1884, ayes 85.

J. W. BOOTH,  
Chief Clerk, House of Representatives.

I hereby certify that the within H. B. No. 13 passed the Senate, Feby. 4th 1884, Ayes 22, nays 3.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved February 5th, 1884.

JNO. IRELAND, Governor.

S. H. B. Nos. 86, 89, and 93.]

## CHAPTER XX.

An Act to amend sections 5, 7, 26 and 39 of an act entitled, "An act to re-district the State into Judicial Districts and fix the times for holding courts therein; and to provide for the election of Judges and District Attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved, April 9, 1883."

Section 1. Be it enacted by the Legislature of the State of Texas: That sections 5, 7, 26 and 39 of an act entitled, "An act to re-district the State into Judicial Districts and fix the times for holding courts therein; and to provide for the election of Judges and District Attorneys in said district at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, Approved April 9, 1883" be so amended so as to hereafter read as follows, to wit:

Section 5. The fifth judicial district shall be composed of the counties of Bowie, Cass, Marion, Morris, Titus, Franklin and Camp, and the district courts therein shall be held as follows, In the the county of Cass on the first Mondays in February and September, and may continue in session three weeks. In the county of Bowie on the third Mondays after the first Mondays in February and September and may continue in session three weeks. In the county of Morris on the sixth Monday after the first Mondays in February and September and may continue in session two weeks. In the county of Titus on the eighth Monday after the first Mondays in February and September and may continue in session two weeks. In the county Franklin on the tenth Monday after the first Mondays in February and September and may continue in session two weeks. In the county of Camp on the twelfth Monday after the first Mondays in February and September and may continue in session three weeks. In the county of Marion on the fifteenth Monday after the first Mondays in February and September and may continue in session six weeks; provided, that no jury shall be empanelled in Marion county after the fourth weeks of said terms, unless the judge shall, in term time, make an order to be entered on the minutes of the district court, directing that juries be drawn for a longer time at the succeeding term.

Section 7. The seventh judicial district shall be composed of the counties of Upshur, Gregg, Smith, Van Zandt, Rains and Wood, and the district court therein shall be held as follows, In the county of Upshur on the first Mondays in January and July and may continue in session two weeks. In the county of Gregg on the second Monday after the first Mondays in January and July and may continue in session three weeks. In the county of Smith on the fifth Monday after the first Mondays in January and July and may continue in session eight weeks. In the county of Van Zandt on the thirteenth Monday after the first Mondays in January and July and may continue in session four weeks. In the county of Rains on the seventeenth Monday after the first Mondays in January and July and may continue in session two weeks. In the county of Wood on the nineteenth Monday after the first Mondays in January and July and may continue in session four weeks.

Section 26. The twenty sixth judicial district shall be composed of the counties of Williamson and Travis and the district courts shall be held therein as follows: In the county of Williamson on the first Mondays in January and July of each year and may continue in session six weeks, and in the county of Travis on the first Mondays in March and October of each year and may continue in session for the March term sixteen weeks, and for the October term twelve weeks.

Section 39. One district Judge shall be elected in each of the districts created by this act, at the next general election in this State, to be held on the first Tuesday after the first Monday in November A. D. 1884, and the Judges so elected shall hold their offices for the term of four years; provided, that the provision of this section shall not apply to the thirtieth, thirty first, thirty

third and thirty sixth judicial districts, passed at the regular session of the Eighteenth Legislature, approved April 9, 1883.

Section 2. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Section 3. Whereas, the short time remaining of the present session, and the fact that it is important that this bill should be passed at once, creates a public emergency, therefore be it enacted that the constitutional rule requiring bills to read on three several days be and the same is hereby suspended.

I hereby certify that the within S. H. B. Nos. 86, 89 and 93, originated in the House and passed the same Jany. 28th 1884.

J. W. BOOTH,  
Chief Clerk, House of Representatives.

I hereby certify that the within S. H. B. Nos. 86, 89 and 93, passed the Senate Feby. 1st 1884.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved February 6th, 1884.

JNO. IRELAND, Governor.

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S. H. B. Nos. 2, 8 & 9.] CHAPTER XXI.

An Act to prescribe the punishment for the wanton and wilful cutting, injuring or destroying fences.

Section 1. Be it enacted by the Legislature of the State of Texas, That any person who shall wantonly, or with intent to injure the owner, and wilfully cut, injure or destroy any fence, or part of a fence, (without such fence is the property of the person so cutting, injuring or destroying the same,) shall be deemed guilty of an offense, and upon conviction therefor shall be punished by confinement in the State Penitentiary for a term not less than one year nor more than five years. A fence within the meaning of this act is any structure of wood, wire, or of both, or of any other material, intended to prevent the passage of cattle, horses, mules, asses, sheep, goats or hogs. Provided, however, that it shall constitute no offense for any person owning and residing upon land enclosed by the fence of another, who refuses permission to such person or persons so residing within said enclosure, free egress and ingress to their said land, for such person or persons to open a passage way through said enclosure.

Sec. 2. The fact that fences are being continuously destroyed in many parts of the State by lawless persons, and the penalty now fixed by law is not of sufficient magnitude to deter offenders and suppress the crime, creates an emergency which justifies the suspension of the constitutional rule which requires bills to be read on three several days in both houses, and that

this act should take effect and be in force from and after its passage, and it is so enacted.

I hereby certify that the within S. H. B. Nos. 2, 8 & 9, originated in the House, and passed the same, Jan. 31st, '84, by  $\frac{2}{3}$  vote—Ayes 71, noes 22.

J. W. BOOTH,  
Chief Clerk of the House of Representatives.

I hereby certify that the within S. H. B. Nos. 2, 8 & 9, passed the Senate, Jan'y 31st, '84, by  $\frac{2}{3}$  vote, towit: Ayes 28.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved February 6th, 1884, at 10 a. m.

JNO. IRELAND, Governor.

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S. S. B. No. 29.] CHAPTER XXII.

An act to authorize the owner or agent to render land for taxes due for the years 1871 to 1876 inclusive, and providing for the assessment and collection of taxes due thereon.

Section 1. Be it enacted by the Legislature of the State of Texas; That the owner or agent of any land which has not been assessed for any year or years from A. D. 1871 to 1876, inclusive, may furnish the assessor of the county in which the land is situated, a list of such land with an affidavit of its cash value for the years for which the rendition is made, and the assessor, if satisfied with the valuation, shall assess the State, county and special taxes against the same, at the same rate assessed by the county court of the county in which the land is situated, upon other lands which were rendered and assessed for the year or years such taxes may be due and the Comptroller of public accounts, or the county collector, is hereby authorized to receive the taxes due thereon and receipt for the same and such receipt shall be a receipt in full for all tax due prior to 1876.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed. The near approach of the close of the present session of the Legislature creates an imperative public necessity and emergency requiring bills to be read on three several days, be suspended and that this act take effect from and after its passage and it is so enacted.

I hereby certify that the within S. S. B. No. 29 originated in the Senate and passed the same Feby. 4th 1884.

WM. NEAL RAMEY,  
Secretary of the Senate.

I hereby certify that the within S. B. No. 29 passed the House of Representatives—ayes 84, nays 1—Feby. 5th 1884.

J. W. BOOTH,  
Chief Clerk, House of Representatives.

Approved February 6th, 1884.

JNO. IRELAND, Governor

S. B. No. 46.]

## CHAPTER XXIII.

An Act to authorize the several county commissioners courts of the State of Texas to provide for more than four terms of the county court annually, for the transaction of civil and criminal business.

Section 1. Be it enacted by the Legislature of the State of Texas: That the county commissioners courts of the several counties in the State may at a regular term thereof by an order entered upon the records of said court provide for more terms of the county court for the transaction of civil, criminal and probate business and fix the times at which each of the four terms required by the constitution, and the terms exceeding four, if any, shall be held, not to exceed six terms annually; provided that when the commissioners court shall have fixed the number of terms of the county court, by an order entered of record, said court shall not change the number of terms of the county court for one year from the date of the entry of the original order fixing the terms of the county court.

Section 2. The near approach of the close of the session rendering it improbable that this bill will pass in the usual course of legislation, creates an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days and it is so suspended.

I hereby certify that the within S. B. No. 46 originated in the Senate and passed the same Feby. 1st 1884.

WM. NEAL RAMEY,  
Secretary of the Senate.

I hereby certify that the within S. B. No. 46 passed the House of Representatives Feby. 5th 1884.

J. W. BOOTH,  
Chief Clerk, House of Representatives.

NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 6th day of February A. D. 1884 and was not signed by him nor returned to the House in which it originated with his objections thereto within the time prescribed by the constitution, and thereupon became a law without his signature.

J. W. BAINES,  
Secretary of State.

S. B. No. 42.]

CHAPTER XXIV.

An Act requiring a gateway in every three miles of fencing and punishing the building or maintaining any fence without such gateway.

Section 1. Be it enacted by the Legislature of the State of Texas: That it shall be unlawful for any person or persons by joining fences, or otherwise to build or maintain more than three miles lineal measure of fence, running in the same general direction, without a gateway in same, which gateway must be at least eight feet wide and shall not be locked; provided that all persons who have fences already constructed in violation of this section shall have six months within which to conform to the provisions hereof.

Section 2. If any person or persons shall build or maintain more than three miles lineal measure of fencing, running in the same general direction, without providing such gateway, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than one nor more than two hundred dollars, and each day that such fence remains without such gateway shall constitute and be punished as a separate offence.

Section 3. The provisions of this bill shall only apply to pasture lands.

Section 4. The near approach of the close of the present session of the Legislature, renders it probable that this bill cannot pass in the usual course of legislation, therefore an imperative public necessity exists for the suspension of the constitutional rule requiring bills to be read on three several days, said rule is therefore suspended.

I hereby certify that the within S. B. No. 42, originated in the Senate and passed the same Jan. 31st 1884.

WM. NEAL RAMEY,  
Secretary of the Senate.

I hereby certify that the within S. B. No. 42, passed the House of Representatives Feby. 5th 1884.

J. W. BOOTH,  
Chief Clerk, House of Representatives.

Approved February 6th 1884.

JNO. IRELAND, Governor.



## S. S. B. Nos. 32 and 44.] CHAPTER XXV.

**An Act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, of title 78 of the Revised Civil Statutes of Texas, as refer to public free schools outside of incorporated cities and towns, assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act.**

**Section 1. Be it enacted by the Legislature of the State of Texas; That the constitutional provisions for public schools are hereby appended as a part of the school law of this State.**

**Section 1. Article 7.**

**A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools.**

**Section 2. Article 7.**

**All funds, lands and other property heretofore set apart and appropriated for the support of public schools, all the alternate sections of land reserved by the State out of grants heretofore made, or that may hereafter be made to railroads or other corporations of any nature whatever, one half of the public domain of this State, and all sums of money that may come to the State from the sale of any portion of the same, shall constitute a perpetual school fund.**

**Section 3. Article 7—Amended Constitution.**

**One fourth of the revenue derived from the State occupation taxes and a poll tax of one dollar on every male inhabitant of this State between the ages of 21 and 60 years shall be set apart annually for the benefit of public free schools, and in addition thereto, there shall be levied and collected an annual ad valorem State tax of such an amount, not to exceed twenty cents on the one hundred dollars valuation, as with the available school fund arising from all other sources, will be sufficient to maintain and support the public free schools of this State for a period of not less than six months in each year, and the Legislature may also provide for the formation of school districts within all or any of the counties of this State by general or special laws without the local notice required in other cases of special Legislation, and may authorize an additional annual ad valorem tax to be levied and collected within such school districts for the further maintenance of public free schools and the erection of school buildings therein; provided, that two thirds of the qualified property tax paying voters of the district voting at an election to be held for that purpose, shall vote such tax not to exceed in any one year 20**

cents on the one hundred dollars valuation of the property subject to taxation in such district, but the limitation upon the amount of district tax herein authorized shall not apply to incorporated cities or towns constituting separate and independent school districts.

Section 4. Article 7—Amended Constitution.

The lands herein set apart to the public free school fund shall be sold under such regulations, at such times and on such terms as may be prescribed by law, and the Legislature shall not have power to grant any relief to purchasers thereof. The Comptroller shall invest the proceeds of such sales and of those heretofore made as may be directed by the Board of Education herein provided for, in the bonds of the United States, the State of Texas, or counties in said State, or in such other securities and under such restrictions as may be prescribed by law, and the State shall be responsible for all investments.

Section 5. Article 7.

The principal of all bonds and other funds and the principal arising from the sale of the lands hereinbefore set apart to said school fund, shall be the permanent school fund, and the interest derivable therefrom and the taxes herein authorized to be levied shall be the available school fund, which shall be applied annually to the support of the public free schools, and no law shall ever be enacted appropriating any part of the permanent or available school fund to any other purpose whatever, or shall the same nor any part thereof ever be appropriated to or used for the support of any sectarian schools and the available school fund herein provided shall be distributed to the several counties, according to their scholastic population, and applied in manner as may be provided by law.

Section 6. Article 7—Amended Constitution.

All lands heretofore or hereafter granted to the several counties of this State for educational purposes, are of right the property of said counties respectively to which they were granted, and title thereto is vested in said county, and no adverse possession or limitation shall ever be available against the title of any county. Each county may sell or dispose of its lands in whole or in part in manner to be provided by the commissioners court of the county. Actual settlers residing on said lands shall be protected in the prior right of purchasing the same to the extent of their settlement, not to exceed 160 acres, at the price fixed by said court, which price shall not include the value of existing improvements made thereon by such settlers, said lands and the proceeds thereof, when sold shall be held by said counties alone as a trust for the benefit of public schools therein, said proceeds to be invested in bonds of the United States, the State of Texas, or counties in said State, or in such other securities and under such restrictions as may be prescribed by law, and the

counties shall be responsible for all investments, the interest thereon and other revenue except the principal, shall be the available fund.

Section 7. Article 7.

Separate schools shall be provided for the white and colored children and impartial provision shall be made for both.

Section 8. Article 7.

The Governor, Comptroller and Secretary of State shall constitute a Board of Education, who shall distribute said funds to the several counties and perform such other duties concerning public schools as may be prescribed by law.

Section 2. One fourth of all occupation taxes and the one dollar poll tax levied and collected for the use of public free schools, exclusive of the delinquencies and cost of collection, the interest arising from any bonds or funds belonging to the permanent school fund and all the interest derivable from the proceeds of sale of land heretofore set apart for the permanent school fund which have hitherto or may hereafter come into the State Treasury. All monies arising from the lease of school lands and such an amount of State tax, not to exceed 20 cents on the one hundred dollars valuation of property as may be from time to time levied by the Legislature shall constitute the available school fund, which fund shall be apportioned annually to the several counties of this State according to the scholastic population of each, for the support and maintenance of the public free schools.

Section 3. No part of the public school fund shall be appropriated to or used for the support of any sectarian school.

Section 4. All available public school funds of this State shall be appropriated in each county for the education alike of white and colored children and each race shall receive its just pro rata according to scholastic census.

Section 5. All children without regard to color over eight years of age and under sixteen years of age shall be entitled to the benefit of the public school fund.

Section 6. The scholastic year shall commence on the first day of September of each year and end on the thirty first day of August thereafter.

Section 7. The children of the white and colored races shall be taught in separate schools and in no case shall any school consisting partly of white and partly of colored children receive any aid from the public school fund.

Section 8. The terms "colored race" and "colored children" as used in the preceding sections and elsewhere in this act, include all persons of mixed blood, descended from negro ancestry, to the third generation inclusive, although one ancestor of each generation may have been a white person.

Section 9. All conveyances, devises and bequests of property for the benefit of the public schools, made by any one for any county, city, town, district or community, shall when not other-

wise directed by the grantor or deviser, vest said property in the county judge of the county, or the mayor of the city or town, or the trustees of the school district or community and their successors in office, as the trustees for those to be benefitted thereby, and the same when not otherwise directed, be administered by said officers under such rules as may be established by the State Superintendent.

Section 10. Public schools shall be taught for five days in each week, schools to be closed on such holidays as may be agreed on by the trustees. A school month shall consist of not less than twenty days, exclusive of given holidays, and the public schools shall be taught for not less than seven hours each day including intermissions and recesses.

Section 11. The Governor, Secretary of State and Comptroller, shall constitute a State board of education who shall hold their sessions at the seat of Government. The Governor shall be ex officio president of the Board and a majority of the members shall constitute a quorum for the transaction of business.

Section 12. There shall be elected, at each general election for State and county officers, a state superintendent of public instruction, who shall hold his office for a term of two years and until his successor is elected and qualified, and shall receive an annual salary of twenty five hundred dollars, and may appoint one clerk at an annual salary of twelve hundred dollars, both payable out of the available school fund. The Superintendent shall take the oath of office prescribed by the constitution and shall perform such duties as may be prescribed by law. Appeals shall always lie from the rulings of the State Superintendent to the State Board of Education. Any person elected State Superintendent of public instruction shall not during his term of office and for four years thereafter be eligible to election to any other State office.

Section 13. The superintendent of public instruction shall be charged with the administration of the school law and a general superintendency of the business relating to the public schools of the State; he shall hear and determine all appeals from the rulings and decisions of subordinate school officers, and all such officers and teachers shall conform to his decision, unless they are reversed by the State Board of Education. He shall prescribe suitable forms for reports required of subordinate school officers and teachers, and blanks for their guidance in transacting their official business and conducting public schools, and shall from time to time prepare and transmit to them such instructions as he may deem necessary for the faithful and efficient execution of the school laws, and by whatsoever is so communicated to them, shall they be bound to govern themselves in the discharge of their official duties. He shall examine and approve all accounts, of whatsoever kind, against the school fund, that are to be paid by the State Treasurer, and upon such approval the Comptroller shall be authorized to draw his warrant.

Section 14. The State Superintendent shall file all reports, documents and papers transmitted to him and the State board of education, by county or city school officers and from all other

sources pertaining to public schools, and keep a complete index of the same.

Section 15. The State Superintendent shall advise and counsel with the the school officers of the counties, cities, towns, school districts and communities as to the best methods of conducting the public schools and shall be empowered to issue instructions and regulations binding for observance on all officers and teachers in all cases wherein the provision of the school law may require interpretation in order to carry out the designs expressed therein. Also in cases that may arise in which the law has made no provision, and where necessity requires some rule, in order that there may be no hardships to individuals and no delays or inconvenience in the management of school affairs.

Section 16. He shall after the close of the present session of the Legislature cause to be printed in pamphlet form, for general distribution, fifteen thousand copies, or more, if needed, of the school laws.

Section 17. The State Superintendent shall require of county, city and town superintendents and other school officers and teachers such reports relating to the school fund and other school affairs as he may deem proper for collecting information and advancing the interests of the public schools, and shall furnish to county, city and town superintendents for the use of such officers and teachers the necessary blanks and forms for making such reports and carrying out such instructions as may be required of them.

Section 18. The State Superintendent shall one month before the meeting of each regular session of the Legislature, and ten days prior to any special session thereof, at which, under the Governor's proclamation convening the same, any legislation may be had respecting the public schools, make a full report to the board of education, of the condition of the public schools throughout the State. Such reports shall give all the information called for by the board of education and shall contain such other matters as the State superintendent shall deem important.

Section 19. The Governor shall lay such reports before the Legislature.

Section 20. Eleven hundred copies of said report shall be printed in pamphlet form for the use of the Legislature, and for distribution among the various school officers and libraries within the State, and the superintendents of public schools of other States and territories of the United States and Canada and the Bureau of Education at Washington city.

Section 21. The State Superintendent shall be ex officio secretary of the State Board of Education and shall keep a complete record of all its proceedings, which shall be signed by the president of the board and attested by the Superintendent.

Section 22. The State Board of Education shall, on or before the fifteenth day of July of each year, make an apportionment of the available school fund, among the several counties of the State, and to the several cities and towns constituting separate school organizations, according to the scholastic population of each, and the State Superintendent shall deliver an abstract of such apportionment to the Comptroller and to each

county judge and mayor of each city or town that has control of the public schools, a statement of the amount apportioned to their county, city or town, as the case may be, and he shall issue to the county treasurer of each county, and to the city treasurer of any city or town having control of the public school, a certificate for the amount of the available school fund so apportioned to his county, city or town, which certificate shall be signed by the Governor, as President of the Board of Education, countersigned by the Comptroller of Public Accounts and attested by the Secretary.

Section 23. The State Superintendent shall be allowed by the State Board of Education, an amount necessary for the expenses for books, postage, express charges, printing, stationery, porter hire and other necessary office expenses to be paid out of the available school fund.

Section 24. The Comptroller shall keep a separate account of the amount of the available school fund arising from every source, and shall draw his warrant upon the State Treasurer in favor of any county or city Treasurer for the amount of the available school fund due his county, or city or town, as the case may be, on presentation of a certificate from the State board of education issued to the county, city or town treasurer, showing the amount due each from the available school fund duly endorsed by such treasurer.

Section 25. The Comptroller shall on or before the meeting of each regular session of the Legislature, report to the Legislature an estimate of the amount of the available school fund, to be received for the succeeding two years, and which may be subject to appropriation for the establishment and support of public schools and the several sources from which the same accrue.

Section 26. The State Treasurer shall receive and hold as a special deposit all moneys belonging to the available school fund and keep an account of the several sources from which they accrue, and he shall pay out such moneys on the warrant of the Comptroller.

Section 27. The Treasurer shall, thirty days before each regular session of the Legislature, and ten days before any special session at which any legislation can be had respecting the public schools, report to the Governor the condition of the permanent and available school fund, the amount of each, and the manner of its disbursement, and he shall also make any additional report required by the Board of Education.

Section 28. The Treasurer shall not under any circumstances use any portion of the permanent or available school funds in payment of any warrant drawn against any other fund whatever.

Section 29. It shall be the duty of the County Commissioners Court of all counties not exempted from this section to subdivide their respective counties into convenient school districts, at least one month before the first Monday in October 1884. Said courts shall designate said school districts by numbers; provided, that when districts are once established, they shall

not be changed without the consent of a majority of the legal voters in all districts affected by such change.

Section 30. Said school districts shall be so made as to be as convenient as possible to the scholastic population, and said courts shall give the metes and bounds of each district, and shall designate the same carefully by giving the whole surveys and parts of surveys, with acreage of whole surveys and the approximate acreage of parts of surveys in each district, and the county judge shall carefully record the same, and each district shall be given a number, which number shall be painted in large letters or figures over the doors of the school houses, said signs to be provided by the district trustees of each district.

Section 31. That whenever twenty or more qualified property holding tax paying voters of any district, wish for the purpose of taxing themselves, for the building of school houses or supplementing the State school fund apportioned to said district shall make application to the county commissioners court duly signed by them, said court shall enter up an order for an election to be held in said district, to determine whether such tax shall be levied or not, said application shall designate the amount of tax, asked to be levied, and the order of said court shall state—1st When said election shall be held. 2nd At what point or points the polls shall be opened; 3rd The amount of tax to be voted on; provided, that no election shall be held to determine the levy of a tax exceeding twenty cents on the one hundred dollars valuation of property. The commissioners court shall order the sheriff to give notice of such election by posting three notices in the district for three weeks before election and the sheriff shall obey such order. Not more than one such election shall be held in the same scholastic year.

Section 32. The County Commissioners Court shall appoint a pre-riding officer to hold said election, who shall make due return thereof as is required by law for holding a general election, and all persons who favor taxation for school purposes, shall have written or printed on their ticket "For school tax," and all persons opposed to such taxation, shall have written or printed on their ticket "Against school tax."

Section 33. All persons who are legal qualified voters of the State and county of his residence and who are resident property tax payers in said district, as shown by the last assessment roll of the county, shall be entitled to vote in any school district election, and if at any such election, two-thirds of such qualified voters, voting at such election shall vote for the tax, it shall be declared by the County Commissioners Court, to have carried in said district and be so entered upon the records of said court to have been carried, and in all cases the returning officer shall make a full and complete return as in other elections, to said court, within five days after said election is held, and said return shall be opened and counted at the first meeting of said court and the result declared.

Section 34. Any one present may challenge a voter, but if the challenged party takes an oath that he is a qualified voter of the State and county and that he is a resident property tax payer, in said district, he shall be entitled to vote.

Section 35. All polls for school district elections, shall be opened at 10 o'clock a. m. and shall not be closed before 4 o'clock p. m., and none of the officers holding such election shall be entitled to compensation therefor.

Section 36. All trustees for school districts, shall be elected by the qualified voters at a school district meeting for that purpose, on the first Saturday of August of each year, except as hereinafter provided. The Commissioner's Court shall appoint three persons to hold such election, and shall make the return of said election within five days after election to the county Judge and if no election is held, the county Judge shall at once appoint three trustees, for said districts for the ensuing year. All persons living in the district, qualified to vote for State and county officers shall be entitled to vote at said election. No person shall be eligible to serve as a school trustee, who cannot read and write.

Section 37. The trustees of school districts, provided for in the preceding sections of this act, and their successors in office shall be a body politic and corporate in law, and shall be known by and under the title and name of district trustees of district number — and county — State of Texas, and as such, may contract and be contracted with, sue and be sued, plead and be impleaded in any court of this State of proper jurisdiction, and may receive any gift, grant, donation or devise made for the use of the public schools of the district. All reports and other official papers shall be headed with the number of district and name of county.

Section 38. At any time after the expiration of two years after any district has levied a school tax on itself, and twenty resident property holding tax payers and qualified voters of the district may have an election held to determine whether such tax shall be abrogated, increased or diminished, by making a written application to the county commissioners court, such election shall be held and conducted as elections provided for in section 32 of this act, and all resident property tax paying voters of said district shall be entitled to vote at such election. The person holding such election shall make return of such election within five days to the county commissioners' court, and said court shall at its first meeting thereafter, open said returns and declare the result. And said court shall enter an order to that effect, and shall thereafter levy such tax on said district as may be provided for by the result of said election.

Section 39. The county commissioners' court shall at the time of levying the tax for county purposes, also levy upon each school district the amount of taxes said district has voted upon itself, and it shall be the duty of the tax assessor to make a separate roll for each school district in alphabetical order one copy to be deposited with the county commissioners' court, and the other with the collector, and the taxes levied upon the real property in said district shall be a lien thereon, and the same shall be sold for unpaid taxes in the manner and at the time, sales occur for State and county taxes. The tax assessor shall assess and the tax collector shall collect said district taxes as other taxes. The tax assessor shall receive a commission of



one per centum for assessing such tax, and the tax collector a commission of one per centum for collecting the same. The tax collector shall pay all such taxes to the county treasurer and said treasurer shall credit each school district with the amount belonging to it, and to pay out the same as other school moneys.

Section 40. The Scholastic census shall be taken by the district trustees under the supervision of the county judge, of all children in each district between the ages of eight and sixteen years, giving name, age, color, sex and the name of the parent or guardian, as may directed by the State Superintendent, and return the said list to the county Judge by the first Monday in June of each year. The county Judge shall by the first Monday in July thereafter aggregate the whole number of children in the county, and make an abstract in duplicate thereof, one to be filed with the county clerk and the other forwarded by him to the State Superintendent; said census rolls shall be sworn to by the trustees taking the census, and said abstracts by the county Judge before any officer authorized to administer oaths.

Section 41. Children within scholastic age belonging to a community lying on a county line may be transferred to an adjoining community in the other county. Application for such transfer must be made before the school fund is apportioned by the county judge. The pro rata share of the school fund of transferred children shall be held by the county treasurer and paid to the treasurer of the county to which the children were transferred on the order of the county judge of the county from which the children were transferred.

Section 42. The county Judge may, at any time before or after he apportions the school fund among the several districts or communities, and before the school opens, transfer a child from one district or community to another in the same county, and in every such case, if the transfer is made after the apportionment, he shall transfer the pro rata share of such child in the school fund to the proper district.

Section 43. The county Judge shall have, under the direction of the State Superintendent, the immediate supervision of all matters pertaining to public education in his county. He shall confer with and counsel teachers and trustees, visit and examine schools, deliver lectures on topics calculated to excite an interest in public education, or secure some one to do so. He shall organize and hold teachers institutes, and shall approve all vouchers against the school fund of his county. He shall approve all contracts between teachers and trustees. He shall discharge such other duties as may be prescribed by the State Superintendent. He shall distribute all school blanks and books to the officers and teachers of the public schools. He shall make such annual reports to the State Superintendent as may be required by that officer; provided, that in considering whether he will approve a contract between a teacher and trustees he shall be authorized to consider the amount of salary promised the teacher.

Section 44. The County Judge shall give a bond in the sum of one thousand dollars to be approved by the county commissioners court and filed with the county clerk, said bond to be

made payable to the county commissioners court and their successors in office, and conditioned for the faithful performance of his duties. He shall also take the oath of office prescribed by the constitution.

Section 45. County Judges shall be entitled to the following compensation: For disbursement of five hundred dollars or less of the school fund, twenty-five dollars shall be allowed. For disbursement of five hundred dollars, and not exceeding one thousand dollars, fifty dollars shall be allowed. For disbursement of each additional thousand dollars, or fractional part thereof, ten dollars shall be allowed, and ten per cent on the salary thus allowed shall be added thereto for postage, stationery and printing expenses connected with the administration of the school law. Said compensation herein authorized shall be paid to the County Judge by the county treasurer out of the public school fund, upon the approval of his voucher by the commissioners court.

Section 46. The County Judge upon receipt of the certificate issued by the board of education, for the state fund belonging to his county shall add thereto the county fund, if any, and deduct the amount estimated as his compensation, and the commissions of the treasurer and any other lawful expenses against said funds, and shall apportion the remainder to the several school districts or communities as per scholastic census.

Section 47. The treasurers of the several counties shall be treasurers of the available public free school fund for their respective counties. The Treasurers of the several counties shall be allowed for receiving and disbursing the school funds, the fees provided in article 2403, Revised Statutes of Texas. Should the collector of taxes of the county make default in paying over to the treasurer, on the certificate of the board of education, in a reasonable time, such treasurer shall be allowed in the settlement of his accounts such exchange for collecting the pro-rata distributive portion of school fund due his county as may be allowed and certified to by the State Superintendent. Within twenty days after the receipt of his certificate of election it shall be the duty of the county treasurer to execute a bond, with two or more good and sufficient sureties, for the faithful performance of his duties under this chapter. Such bond shall be in double the probable amount of the available school fund which may come into his hands, to be estimated by the county judge, and shall be made payable and conditioned as prescribed in article 989 Revised Statutes of Texas. Upon receipt of the certificate from the State Board of Education, duly countersigned by the Comptroller, showing the pro-rata of the available school fund to which his county is entitled under the apportionment, the county treasurer shall present the same to the collector of taxes for his county, who shall pay the same from time to time out of the school taxes in his hands. The county treasurer shall endorse the amounts so paid by the collector on the certificate, and shall also execute and deliver to the collector duplicate receipts for such payments, and when the the whole amount of such certificate shall have been paid, the county treasurer shall deliver the same to the collector, in whose hands

it shall be a voucher for so much money in his settlement with the Comptroller of Public Accounts. The county treasurer shall keep a record of all school funds received by him, showing the year for which the same are to be disbursed, and shall credit school communities or districts, after numbering and otherwise designating such communities or districts, with such amounts as may be apportioned to them by the county Judge. All balances of the general fund not appropriated for the current year shall be carried over by the treasurer as a part of the general fund for the county for the succeeding year, and balances unexpended or unappropriated for a school community or district shall be carried over for the benefit of such school community or district, if the community be reorganized for the following year, and if it be not reorganized, shall be added to the general fund for distribution, for the general benefit of the county at large.

Section 48. Any one desiring to teach a public free school shall, unless known to the County Judge, present a certificate from the Justice of the Peace of the Precinct in which he or she desires to teach, or in which he or she may reside; or in case the applicant has acquired no residence in this State, then some other certificate satisfactory to the County Judge, that the applicant is of good moral character, and of correct exemplary habits; the County Judge shall thereupon, unless satisfied that some good cause exists for refusing such certificate, convene the county school board of examiners, and direct an examination of the applicant on the branches hereinafter named, as follows, to-wit: Applicants for third grade certificates shall be examined in orthography, reading, writing, arithmetic, geography, and english grammar. Applicants for second grade certificates shall be examined in the branches named in the third grade and also in composition and history of the United States. Applicants for first grade certificates shall be examined in the branches named in the third and second grades, and also in the elementary branches of algebra, geometry, and natural philosophy, school discipline and methods of teaching. The examination must be conducted in the English language, and no applicant shall receive a certificate unless the board of examiners be satisfied that he or she is competent to teach the branches named in the grade of certificate applied for, in the English language. The board of examiners shall examine such applicant as to his or her competency to teach the branches named in the preceding clauses, and shall make a report under oath of such examination to the County Judge, who shall, if such report be favorable, issue a certificate of competency to the applicant, according to the grade recommended by the board of examiners, authorizing his or her employment by the trustees of any school district or community in the county in which the same is issued. Such certificate shall be valid in the county where issued for the current scholastic year, and may be renewed by the county Judge for any subsequent year without examination and without charge to the teacher if he be satisfied of the propriety of such renewal. A teachers certificate shall be canceled on account of such misconduct or immorality as the trustees shall report to the county

judge disqualifying him, in their opinion, for the instruction of children; but before making such report, the trustees shall give such teacher reasonable notice of the charges against him, and an opportunity to be heard. It shall be the duty of the teacher to keep an accurate record of the daily attendance of each pupil, and all other statistical data required by the State Superintendent and shall make a full report thereof to the county Judge at the close of their respective schools.

Section 49. Teachers with certificates from the Texas State Normal Schools, and the Summer Normal Schools of Texas shall not be required to be examined by the county board of examiners. Any person holding a diploma from a Texas State Normal School may teach in the public schools of this State during good behavior; any person holding a certificate of one year's attendance at a Texas State Normal School may teach in the public schools of the State for three years after its issuance or during good behavior; Any person holding a certificate from a summer Normal school of Texas may teach in the State for two years or during good behavior. The State Superintendent shall prescribe rules for granting certificates by Summer Normal Schools.

Section 50. Teachers shall receive salaries not exceeding the following sums: Teachers with first grade certificates \$75. per month; teachers with second grade certificates \$50. per month; teachers with third grade certificates \$30. per month; Provided that teachers teaching under certificates of one years attendance at a State Normal School shall be regarded as teachers with second class certificates: Provided further that this rule shall not apply to teachers employed in districts voting a local tax on themselves. Teachers shall admit all children over and under scholastic age into the public schools. All tuition paid for students attending a free school, under and over the scholastic age, shall be paid to the trustees for the benefit of the community or district in which the school is taught.

Section 51. Teachers shall keep daily registers, in which the names ages and studies of the pupils, and their daily attendance shall be recorded, and such other matters as may be prescribed by the State Superintendent. Said registers shall be open to the inspection of all parents, school officers and other persons who may be interested to examine the same. All teachers shall make monthly reports on such subjects as may be designated by the State Superintendent or county judge, to be approved by a majority of the trustees of the district, and shall file the same with the county judge when they present their vouchers for their months salaries. They shall make such term reports at the end of schools as may be prescribed by the State Superintendent, and until such term reports are made the trustees shall not approve vouchers for last months salaries, and until they are returned to and approved by county judges, county judges shall not approve their vouchers for last months salaries, nor shall the county treasurer pay same. All monthly and term reports shall be made under oath and county judges are hereby empowered to administer oaths for such purposes.

Section 52. It shall be the duty of all teachers in the public

schools of this State to attend the Summer Normal Institute as far as possible.

Section 53. School trustees shall determine how many schools shall be maintained in their respective school districts or communities, and at what points they shall be located; they shall determine when the schools shall be opened and when closed; they shall contract with teachers and manage and supervise the schools subject to the rules and regulations of the county judge and State Superintendent. They shall approve all teachers vouchers and all other claims against the school fund of their districts or communities; Provided that trustees of districts or communities in making contracts with teachers shall not create a deficiency debt against the district or community.

Section 54. Trustees of districts that levy a school tax, shall make contracts with teachers to teach the public schools of their respective districts for a period of not less than six months in a scholastic year, which time may be divided into two terms or not as may be directed by the board of trustees, but the compensation to teachers under written contract with the trustees shall be approved by the county judge before the school is taught stating that the teacher will teach such school for the time and money specified in the contract, and that he will employ the number of competent assistants necessary when the number of children in the district shall exceed fifty, and all children within the scholastic age, who have settled in such a district since the scholastic census was taken shall be entitled to receive all the benefits of the schools of such district, and in such districts the trustees shall have the right to increase the salaries of teachers and the scholastic age, and may also have the schools taught longer than six months if it is deemed advisable.

Section 55. All the public schools in this State shall be required to have taught in them orthography, reading in English, penmanship, arithmetic, English Grammar modern geography and composition and other branches as may be agreed on by the trustees or directed by the State Superintendent.

Section 56. Three teachers holding first grade certificates, to be appointed by the county judge, shall constitute the county board of examiners, and shall receive from each teacher examiner for a certificate the sum of three dollars, and the county judge shall keep a record of all certificates issued by said board and all other certificates and diplomas of teachers, giving the name, age, sex, color and nativity of the person, the date, grade, and length of time of each certificate. Teachers certificates shall be valid anywhere in the State, without re-examination, until forfeited as hereinafter provided; provided, however, that, when a teacher removes from one county to another, before leaving such county, he or she shall obtain from the county judge, duly certified to and authenticated by his official signature, a certificate showing that the certificate granted to him or her as a teacher has not been canceled. And no teacher, who removes into another county and fails to obtain such certificate shall be competent to contract with school trustees, unless he be re-examined.

Section 57. The trustees of school districts or communities shall have the management and control of the public schools; they shall have the power to employ and dismiss teachers; but in cases of dismissal, teachers shall have the right of appeal to the county judge and State Superintendent.

Section 58. The trustees of schools shall have the power to admit scholars over or under scholastic age, either in or out of the district or community, on such terms as they may deem proper and just, and they may suspend from the privileges of schools any pupil found guilty of incorrigible conduct, but such suspension shall not extend beyond the current term of the school.

Section 59. County judges, trustees and all school officers, except teachers, shall take oaths to faithfully and impartially discharge the duties of their respective offices.

Section 60. White and colored children shall not be taught in the same schools, but the colored children shall receive the benefit as far as practicable of the public school fund, and the funds set aside in any district or community for colored children shall not be used for the education of white children, nor shall the public school fund set aside in any district or community for white children be used for the education of colored children. Three white trustees shall in all cases be elected or appointed for the management and control of white schools, and three colored trustees shall be elected or appointed in any school district for the colored schools therein upon the written application of ten colored residents of said district having one or more children within the scholastic age, to the county judge one month before any annual election in said district for school trustees. In case there are not enough colored children in any school district as laid off, then two or more of said districts may be consolidated by the trustees for the benefit of the colored school, and each of the districts shall pay pro-rata, according to colored scholastic census in each, from the district school fund, for its support, and shall be governed by the trustees of both districts.

Section 61. When a school district or community has no school house or not a sufficient number, the available public free school fund for any one year to the credit of said district or community with the county treasurer, may be used for the purpose of erecting a house, upon the following conditions, to-wit: 1st A suitable piece of land shall be donated as a site, and a deed therefor executed and delivered to the county judge, conveying said land to the county judge and his successors in office, in trust for public free school purposes, which deed must be recorded as other deeds. 2nd. The citizens of the district or community, must contribute of their labor and means, an amount, at least equal to the school fund so used.

Section 62. The trustees of such district or community, must make an application to the county judge, for the appropriation of said fund, which application shall give the plan and be accompanied by a list of subscription of labor and means by the members of the district or community, amounting in value to at least one half of the estimated cost of the house.

Section 63. On the receipt of such application, the county

judge shall, if the law has been complied with, and the house to be erected, is large enough to accommodate the pupils of the district or community, approve the same and enter an order, appropriating an amount of said fund, equal to one half of the estimated cost of said building, for the erection thereof, but said appropriation shall not be drawn from the treasury, or paid, until the completion of the building, in accordance with the plan and specifications, and then only upon the warrant of the county judge.

Section 64. The trustees of such school district or community, shall contract for the erection of such building, and superintend the construction of the same, and the county judge shall draw his warrant or warrants upon the school fund so appropriated, only upon accounts first approved by them.

Section 65. No mechanic, contractor, material man or other person can contract for, or in any other manner have or acquire any lien upon the house so erected, or the land upon which the same is situated, and all contracts with such parties, shall expressly stipulate for a waiver of such lien.

Section 66. The available school fund of any school district or community, for one year may be used, in the purchase of suitable school property, upon the execution of the deed as provided herein, and the contribution of the remainder of the purchase money by citizens of the district or community, which must first be paid.

Section 67. The trustees of any school district or community, upon the order of the county commissioners court, approving the terms thereof, when deemed advisable, may make sale of any property belonging to said school district or community, and apply the proceeds to the purchase of necessary grounds, or to the building or repairing of school houses.

Section 68. The trustees of any school district or community not having a school house, may rent or lease a suitable house, instead of building or purchasing one, if deemed advisable by them; the rent shall be paid by the county treasurer, out of the available school fund to the credit of the district or community, upon the warrant of the trustees approved by the county judge.

Section 69. All school houses erected, grounds purchased or leased for a school district or community, and all other property belonging thereto shall be under the control of the district trustees of such community or district.

Section 70. A school house constructed in part by voluntary subscription by colored parents or guardians and for a colored school district or community, shall not be used without the consent of the colored district or community assisting in its erection, for the education of white children; and a like rule shall protect the use of school houses erected in part by voluntary subscription of white parents or guardians, for the benefit of white children.

Section 71. The following named counties shall be exempted from the district system provided for in this act, to wit; Matagorda, Harrison, Fannin, Montgomery, Rusk, Lamar, Red River, Anderson, Shelby, San Augustine, Sabine, Hidalgo, Starr, Zapata, Webb, Duval, Kaufman, Hopkins, Camp, Upshur,

Grimes, Smith, Gregg, Limestone, Freestone, Washington, Nacogdoches, Angelina, Bastrop, Hunt, Jasper, Newton, Tyler, Polk, San Jacinto, Franklin, Titus, Marion, Panola, Lee, La Salle, Van Zandt, Robertson, Jefferson, Hardin, Liberty, Chambers, Orange, Waller, Houston and Cass, Brazos and Burleson.

Section 72. Schools in said counties shall be organized as follows, and subject to the following provisions of this act: Provided, the general provisions of this act govern when not in conflict with the special provisions hereof as to community system. It shall be lawful for the parents, guardians, or other persons having control of any children residing in any county named in the foregoing section, who may be within the scholastic age, to unite and organize themselves into free school communities, entitled to share in the benefits of the available school fund, belonging to such county, upon complying with the conditions hereinafter prescribed.

Section 73. The bona fide residents of this State, desiring to unite in the organization of a free school community shall make an application in writing, to the county judge, on or before the first day of August of each year, stating that they desire in good faith, to organize a free school, under the provisions of this law, and shall ask that their just pro-rata of the available school fund of the county be set apart for the benefit of their school community. Said petition shall be signed in person by each petitioner, and should any petitioner be unable to sign his or her name, then said petitioner shall authorize the signing of his or her signature to the petition, in the presence of at least two lawful witnesses.

Section 74. Such petition shall set forth: 1st That the application is made in behalf of a white or colored community, as the case may be; 2nd An alphabetical list of the names of the children within the scholastic age. 3rd The age and sex of each child. 4th A similar list of all children within the scholastic age, residing in convenient distances to the school house of said community, who have no parents, guardians or other persons lawfully controlling them; and also a list of children not of scholastic age, who it is proposed shall be pupils of the community school. 5th The capacity of the school house, and the character of other school conveniences, if any: 6th The names of three or more competent persons, to act as trustees for such school community. And the trustees of the community shall have the control of the public school house, and during the time in which no public school is being taught, may rent out the house for such rent as can be obtained, such rent to be used to keep in repair such school house; 7th That no similar petition has been signed by the petitioners, for any other community, for the scholastic year, for which said community is then being organized. And should the seventh statement prove untrue as to any of the signers of said petition, the children under the control of such signer shall forfeit their interest in the school fund, for the scholastic year for which said community is being formed.

Section 75. On receipt of such petition the county judge shall revise and correct it, by comparing the list of names with the



official census returns and shall keep the same open for further correction as may be shown to his satisfaction to be just and proper, until the first day of August of each year, at which time, if satisfied that the petition is in good faith, he shall enter an order in a book kept for that purpose, sanctioning the establishment of such school community, and shall designate it by its name and number.

Section 76. Such communities may be organized for male and female schools, separate or mixed, as the population and necessities and conditions of each community may require; provided, that in towns of not more than fifteen hundred inhabitants, no more than two school communities for white children and two communities for colored children shall be organized.

Section 77. At any time before the apportionment of the available school fund to the several school communities in the county, the county judge may assign any child not included in the list of an organized school community, to some convenient and proper school community and set apart to such community the proper pro rata of such child out of such school fund of the county.

Section 78. Three trustees shall be appointed by the county judge for each community school and the three citizens named in the petition, shall in all cases be appointed trustees unless the county judge be satisfied from personal knowledge that the parties so named are either unworthy or incompetent. Said trustees shall discharge such duties as are herein prescribed or which may be prescribed by the State Superintendent and shall see that the schools for which they are trustees are conducted in accordance with the provisions and limitations of this law. Said trustees shall be removed from office by the county judge upon the written application of a majority of the patrons of the school.

Section 79. It shall be the duty of the trustees of a school community already provided with a school-house, to contract with a teacher holding a certificate of competency from the county judge to teach school for the community for as long a period as the school fund entered to the credit of the community will warrant. The school shall open at such time as the trustees may decide, and be taught continuously until the close of the term, unless suspended by the trustees. The trustees shall in some public way, give two weeks notice of the time of opening the school.

Section 79a. Trustees shall make contracts with teachers, and in making them shall base their contracts with the teachers on the basis of the number of pupils within scholastic age, registered in the community; provided, however, that should the attendance fall below thirty-three and one-third per cent of the registered pupils in such community, the trustees thereof may discontinue the school.

Section 79b. Trustees in making contracts with teachers shall determine the salary to be allowed or wages to be paid, upon the following rates of tuition: To teachers holding a first class certificate, not more than two dollars and fifty cents; to those holding a second class certificate, not more than two dollars; and to such as hold a third class certificate, not more than

one dollar and fifty cents per month per capita shall be allowed for pupils within the scholastic age. And it shall not be lawful for trustees or teachers to demand as a condition of admittance into school the payment of extra tuition of pupils of scholastic age; provided, that in no event shall teachers holding a first class certificate receive from the public free school fund more than seventy-five dollars per month, and those holding a second class certificate more than fifty dollars per month, and those holding a third class certificate more than thirty dollars per month.

Section 79c. Trustees may employ one or more assistant teachers whenever the average daily attendance exceeds thirty-five pupils. The teacher shall be entitled to pay for pupils over and under age at such rates as the trustees may prescribe. If the necessity for the employment of an assistant teacher is caused by the attendance of private pupils, then the trustees shall require the teacher to employ at his or her expense, an assistant, holding a certificate of competency as teacher.

Section 79d. The amount contracted by trustees to be paid a teacher, shall be paid on a check drawn by a majority of the trustees on the county treasurer, and approved by the county judge. The check shall in all instances, be accompanied by the affidavit of the teacher that he is entitled to the amount specified in the check as compensation under his contract as a teacher.

Section 80. It shall be the duty of the assessor of taxes for each and every county in this State not operated under the district system, prior to the first day of June of each and every year, to take an accurate census of all the children within their respective counties who will be of the age of eight and under the age of sixteen years on the first day of September next succeeding the taking of such census.

Section 81. Such census shall state the name of the child, his or her age, sex and color.

Section 82. For the purpose of ascertaining the facts required by the preceding article to be placed in such census, the assessor shall avail himself of all accessible information, and may when he may deem it necessary, require the parent or guardian of any child, or any other person, to answer under oath touching such matters.

Section 83. No allowance shall be made by the Comptroller of Public Accounts to any assessor of taxes for any assessment of taxes in his county, until such assessor shall have exhibited and filed with him a certificate from the county clerk under his hand and seal of office, showing that such census and abstracts, approved by the county judge as hereinafter required, have been delivered to him by the assessor within the time hereinafter provided.

Section 84. Such census shall be verified by the affidavit of the assessor, and shall be by him returned to the county judge on or before the tenth day of June of each year.

Section 85. It shall be the duty of the assessor to make out and submit to the county judge, for his approval, two abstracts of such census, showing the number of children white and

colored, male and female, and such other information as may have been required by the State Superintendent, and upon the approval thereof by the county judge, to mail the same on or before the first day of July to the State Superintendent.

Section 86. The assessor shall receive as compensation for taking such census and making such abstracts, and the other duties required of him in connection therewith, for the first one thousand children enrolled, five cents per capita, and for all children so enrolled in excess of one thousand, three cents per capita, to be paid upon the warrant of the Comptroller, out of the available school fund, by the tax collector of the county, upon the certificate of the county judge, attested by his signature and seal of his office, that said census and abstracts have been delivered to him as required by law.

Section 87. The Governor shall immediately appoint a Superintendent of Public Instruction, who shall hold said office and discharge its duties, until the Superintendent of Public Instruction elected at the next general election for State and county officers, shall qualify.

Section 88. Nothing in this act shall be construed to interfere with the teaching or management of public schools, for the scholastic year ending August 31st 1884, but all such schools shall be taught, conducted, paid for and closed under the laws in force prior to the passage of this act; provided further, that nothing in this act shall be construed to repeal the present laws appertaining exclusively to public schools of cities and towns, which have or may hereafter assume control of the public schools within their counties, whether incorporated or not.

Section 89. That all laws and parts of laws in conflict with any of the provisions of this act be and the same are hereby repealed.

Section 90. Whereas the near approach of the close of the present session of the Legislature leaves only a few days for the consideration of this bill and renders it doubtful if it can be reached regularly on the calendar, and whereas the many grave defects of the present school laws render the passage of this bill an imperative public necessity and creates an emergency for the suspension of the constitutional rule requiring bills to be read on three several days and that this act take effect and be in force from and after its passage and it is so enacted.

I hereby certify that the within S. S. B. Nos. 32 and 34 originated in the Senate and passed the same Jany. 30th 1884.

WM. NEAL RAMEY,  
Secretary of the Senate.

I hereby certify that the within S. S. B. Nos. 32 and 34 passed the House of Representatives—Ayes 75, nays 10—Feby. 4th 1884.

J. W. BOOTH,  
Chief Clerk House of Representatives.

NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 6th day of February, 1884, and was

not signed by him, nor returned to the House in which it originated with his objections thereto, within the time prescribed by the constitution, and thereupon became a law without his signature

J. W. BAINES,  
Secretary of State.

S. B. No. 33.]

CHAPTER XXVI.

An Act to provide for leasing the unorganized county school leagues.

Section 1. Be it enacted by the Legislature of the State of Texas; That the Attorney General, Commissioner of the General Land Office and Comptroller shall constitute a board to be styled the "Unorganized county school land board" with power and authority to lease the three hundred and twenty five leagues of land surveyed in the year 1882, for the unorganized counties of the State and situated in the counties of Hockley, Cochran, Bailey, Lamb, Andrews, Martin, Dawson and Gaines subject to the terms hereinafter expressed, to wit; each league shall be leased separately to the highest bidder and all enclosures shall have convenient gates at least twelve feet wide and not more than three miles apart.

Section 2. That said lands shall be advertised for lease for sixty days by publication in one newspaper in each of the cities of San Antonio, Colorado City, Ft Worth and Henrietta or Decatur and may be leased for any term of years not less than five nor more than seven as may seem to said Board best for the ultimate interests of the counties affected thereby; provided that whenever any league or leagues so leased shall become the separate property of any county on its organization, then the lease as to such particular league or leagues shall cease and the same shall be and become at once subject to the control of respective county commissioners court as other county school lands according to the provisions of the State Constitution and the laws thereof. Provided no lands shall be leased for less than five cents per acre.

Section 3. That the rents on said lands shall be paid to the State Treasurer annually in advance, commencing with the date of each lease respectively, and the Treasurer shall keep an account of the money received for each respective league and the money so received shall be used as a part of the available school fund of the State and when such league becomes the separate property of a county a sum equal to the proceeds of such lease shall be by the Treasurer paid over to the proper authority of such county out of the available school fund, to be invested and managed by the commissioners court of such county, according to the provisions of said section six, article seven of the State Constitution less the pro rata expense of advertising etc.

Section 4. That said Board shall promptly report to the State Treasurer each lease made by them, specifying the league or

leagues embraced in the same, and the name or names of the lessee or lessees, and any lease so made shall become null and void on the non payment of the annual rents at the time or or times hereinbefore specified, and it shall be unnecessary for any action to declare for the forfeiture other than the action of the Board upon the report of the Treasurer that default has been made on the payment of the annual rents, and all leases shall contain a clause making it a portion of the contract that a judicial ascertainment of the forfeiture is not required, and upon the forfeiture of any lease said Board shall immediately advertise and relet the lands on which said lease or leases have been made.

Section 5. That said Board is hereby clothed with authority to make such rules and regulations, not inconsistent with the provisions of this act in regard to the leasing of said lands, as they may deem best for the interest of the counties to be benefitted thereby.

Section 6. No corporation shall be allowed to lease said lands, and if any individual lessee or lessees transfer said lease to any corporation or allows them to use such lands they shall thereby forfeit their leases and improvements.

Section 7. This act shall take effect and be in force ninety days after adjournment.

Section 8. The near approach of the close of the session and the importance of this bill creates an imperative public necessity, authorizing the suspension of the rule requiring bills to be read on three several days and said rule is hereby suspended.

Approved February 6th, 1884.

JNO. IRELAND, Governor.

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S. S. B. No. 4.]

CHAPTER XXVII.

An Act to provide for the appointment of Commissioners to represent the State of Texas at the World's Industrial Centennial and Cotton Exposition to be opened at New Orleans, Louisiana on the first Monday in December A. D. 1884, to prescribe the duties of said Commissioners and making an appropriation therefor.

Section 1. Be it enacted by the Legislature of the State of Texas; That for the purpose of disseminating and distributing to the representatives and visitors from the various States and foreign countries, who shall visit the World's Industrial and Cotton Centennial Exposition, to be opened at New Orleans on the first Monday in December A. D. 1884, information in regard to the soil, climate and resources of Texas, to be expended under the direction of the Governor and Commissioner of Insurance, Statistics and History, under such regulations as are provided for in this act, the sum of twenty thousand dollars or so much thereof as may be necessary, to be taken out of any money in the Treasury not otherwise appropriated.

Section 2. That the Governor shall appoint one Commissioner to said Exposition, who shall enter at once upon the discharge of his duty, which shall be to collect specimens of all the

products of this State, natural, artificial and manufactured, agricultural and mechanical and also to collect data appertaining to all the varied industries of Texas and to effect the best possible arrangements with railroads and other transportation companies for the conveyance of the same to said Exposition and back. Provided, no member of the Eighteenth Legislature shall receive the appointment as Commissioner or assistant commissioner.

Section 3. He shall also appoint eleven assistant commissioners, one from each congressional district, who shall assist the Commissioner and shall perform all such duties as may be prescribed by him to carry out the provisions of this act.

Section 4. The Commissioner shall receive for his services the sum of two thousand dollars to be paid quarterly upon his own warrant, approved by the Governor and he shall be authorized to employ a clerk, who shall receive for his services not more than one thousand, to be paid monthly upon voucher approved by the Commissioner.

Section 5. The assistant commissioners shall each receive the sum of two hundred dollars by filing his affidavit that he has devoted at least thirty days to the work indicated, and he may draw two hundred dollars of his salary previous to the opening of the Exposition, the Governor approving the same.

Section 6. The Commissioner shall proceed at once to New Orleans and arrange for ample grounds and space for the Texas exhibit; he shall attend in person the Exposition and devote his entire time in properly representing the State; he shall perform such other duties as may be prescribed by the Governor and the Commissioner of Insurance, Statistics and History.

Section 7. That all expenses incurred for the carrying out of the provisions of this act shall be regularly accounted for by said Commissioner and all payments to him for such purpose shall be made on vouchers, which shall be approved by the Governor.

Section 8. That at the expiration of said Exposition, it shall be the duty of the Commissioner to have returned to the city of Austin, and there have deposited with the Commissioner of Insurance, Statistics and History, all articles of whatever nature donated to or purchased by the State for exhibit, and the said Commissioner of Insurance, Statistics and History, shall take charge of and preserve the same for the use of the State. The said Commissioner shall make a full and detailed report to the Governor of the services performed by the Commissioner, the expenses incurred and of the funds remaining on hand, if any there be, which shall be paid into the State Treasury. Provided, that all products of agriculture, or property of a wasting nature shall be sold to the best advantage of the State by the Commissioner of Insurance, Statistics and History, the Governor concurring, at public or private sale, and the report of said sale shall be made by said Commissioner to the next Legislature, and the proceeds of said sale shall be placed by him into the treasury of this State, to the credit of the general revenue fund.

Section 9. The Governor shall also be authorized to appoint twenty or more, honorary members to said commission, who

shall be authorized to represent the State at said Exposition, but shall not receive any compensation from the State for their services.

Section 10. The near approach of the close of the present session of the Legislature and the importance of the early appointment of the commissioners provided for in this act, creates an imperative public necessity and an emergency for the suspension of the constitutional rule requiring bills to be read on three several days, said rule is therefore suspended and it is enacted that this act take effect and be in force from and after its passage.

I hereby certify that the within S. S. B. No. 4 originated in the Senate and passed the same, ayes 19, nays 8.

WM. NEAL RAMEY,  
Secretary of the Senate.

I hereby certify that the within S. S. B. No. 4 passed the House of Representatives February 2nd 1884.

J. W. BOOTH,  
Chief Clerk House of Representatives.

Approved February 7th, 1884.

JNO. IRELAND, Governor.

S. B. No. 59]

## CHAPTER XXVIII.

An Act to amend Articles 3672 and 3675, Chapter 2, Title 76, Revised Civil Statutes; to add Articles 3675a, 3675b, 3675c, 3675d and 3675e and to make an appropriation.

Section 1. Be it enacted by the Legislature of the State of Texas; That article 3672 of the Revised Civil Statutes, be so amended as hereafter to read as follows:

### Article 3672.

It shall be the duty of the superintendent to have and take charge and control of all public buildings, grounds and property of the State, which may not be used by the different officers of the State government, including the State cemetery, and to properly care for and protect the same from actual damage, intrusion or improper uses.

Section 2. That article 3675, of said Revised Civil Statutes be so amended as hereafter to read as follows.

### Article 3675.

That the Executive mansion, and grounds belonging to the same, and the Executive offices in the temporary State Capitol, and the rooms therein occupied, severally by the Secretary of State, the Comptroller, the Treasurer, the Attorney General, the

Adjutant General, the Board of Education, the Land Board, the Commissioner of Insurance, Statistics and History, and State Engineer shall be under the charge and control of each of said officers occupying or using the same; and that the rooms on the third floor, wherein are the Supreme Court library and the rooms used and occupied as the offices of the clerks of the Supreme Court and the Court of Appeals, shall be under the control and in the charge of the clerks of said courts.

Section 3. That the following be added to said Revised Civil Statutes, to be known as article 3575a.

Article 3675a.

That all property belonging to the State, situated or being in the city of Austin, or to any department, board or office of the State, when the same shall become unfit for use or no longer needed, shall be turned over to the said superintendent, who shall sell the same at public auction, after advertising it for not less than five days, and the money arising therefrom, less the expense of advertising and selling shall be deposited in the State Treasury to the credit of the department, board or office from which it was obtained, to be expended by the said superintendent for improvements or repairs, whenever needed by the said departments, boards or offices, or for the State cemetery. The said superintendent shall make his report in writing, to the Comptroller, stating articles received, articles sold, to whom and at what price, and also a report showing how said funds were expended.

Section 4. That the following be added to said Revised Civil Statutes, to be known as article 3675b.

Article 3675b.

That said superintendent, during the recess of the Legislature, shall have the charge and control of the halls and committee rooms of said temporary capitol, except as hereinbefore provided, and before the assembling of each session of the Legislature, he shall prepare the different rooms for the uses of the Legislature.

Section 5. That the following be added to said Revised Civil Statutes, to be known as article 3675c.

Article 3675c.

That no room, apartment or office in said building, shall at any time be used by any person as a bed room or for any private purpose whatever. Provided, that this section shall not apply to the rooms occupied by the Judges of the Supreme and Appellate courts and Commissioners of Appeals, on the third floor of the temporary capitol.

Section 6. That the following be added to said Revised Civil Statutes, to be known as article 3675d.

Article 3675d.

That in and about the grounds and buildings named in the



second section of this act, the watchmen employed about and around the temporary capitol and other buildings and grounds shall have all the powers and authority of a policeman of the city of Austin; and whenever, for the purpose of properly executing the provisions of this act, under the approval of the Governor, by the said superintendent there may arise a conflict with any ordinances or authority granted or given under or by virtue of the charter of the city of Austin, then and in that event so much of the said charter as authorizes the granting of such ordinances or the giving of such authority, be and the same is hereby repealed in so far as they prevent the said superintendent from efficiently performing his duties hereunder.

Section 7. That the following be added to said Revised Civil Statutes, to be known as article 3675e:

"Article 3675e. It shall be the duty of the said superintendent to frequently inspect all the public buildings and property of the State at the capital, and at such other places as the Governor may direct; to act as adviser to all State boards in the preparation of specifications and plans for improvements and repairs to public buildings or property of the State, and to superintend the construction of the said work, where the same is not otherwise specially provided for by law. The said State boards and departments shall notify the said superintendent of improvements and repairs needed for their respective buildings and offices, and the same shall be made under his direction. He shall also be required to give his special attention to the effective maintenance of the State sewers and their connections, in use at the public buildings, and to keep the same in such sanitary condition at all times as to prevent the dissemination of disease therefrom, and to see that the gas and water pipes, with their connections and appliances are maintained in working order, ready at any time for immediate use. He shall also be required to prepare and have in his office a copy of the plans of all public buildings and improvements thereto under his charge, showing the exact location of all water, gas and sewerage pipes, so that in case of needed repairs or inspection, their position can be determined without unnecessary expense."

Section 8. It shall be the duty of said superintendent to make a report to the Governor on the first day of December next, and biennially thereafter, showing the manner in which he has discharged his duties, the improvements and repairs that have been made under his superintendence, with an itemized account of his receipts and expenditures, and the condition of all property under his charge, including an estimate of needed improvements and repairs to same.

Section 9. For the purpose of carrying out the objects of this act the sum of three thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, and it shall be the duty of the Comptroller of Public Accounts to draw his warrant upon the Treasurer for all sums due by the State on accounts certified to as correct by the said superintendent as incurred in

the proper performance of his duties, and approved by the Governor.

Section 10. The present condition of the property of the State at the capital, and of some of the improvements upon the public buildings of the State, there being no officer of the State who is authorized to care for and protect the said property, or to superintend the construction of said improvements, creates an imperative public necessity and emergency which justifies the suspension of the constitutional rule requiring this bill to be read on three several days in each House, and it is so suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

I hereby certify that the within S. B. No. 59 originated in the Senate and passed the same by a  $\frac{3}{4}$  vote February 2, 1884, ayes 22.

WM. NEAL RAMEY,  
Secretary of the Senate.

I hereby certify that the within S. B. No. 59 passed the House, February 6, 1884, by a  $\frac{3}{4}$  vote, ayes 77; noes 5.

J. W. BOOTH,  
Chief Clerk of the House of Representatives.

Approved February 7th, 1884.

JNO. IRELAND, Governor.

S. B. No. 36.]

## CHAPTER XXIX.

An Act to require the commissioners courts to lay out and open certain first-class roads.

Section 1. Be it enacted by the Legislature of the State of Texas: That the commissioners courts of the several counties shall see that at least one first class road of the width prescribed by law is laid out and opened from the county seat of their respective counties on the most direct and practicable route to the lines of their county in the direction of the county seats of each adjacent county, where no part of another county intervenes between the countyseats of such counties, or if a border county, to meet the nearest road to the border, and if any adjacent county is not organized, then in the direction of the centre of such county. And the commissioners court of a county, to which one or more unorganized counties are attached for judicial purposes, shall lay out and open at least two first class roads sixty feet in width through the extent of each such unorganized county to intersect at right angles as nearly as may be at the centre of the county, and to meet at the county line similar roads of the adjacent counties. In counties now having public roads substantially complying with the preceding requirements as to course, the court shall be required only to give such roads the width of sixty feet and clear them of obstructions; such roads however shall not be laid out across orchards, yards lots or

grave yards or within one hundred feet of a residence without the consent of the owner, provided that this law shall not apply to counties where there already exists a sufficiency of public roads.

Section 2. It shall be the duty of each commissioners court within ninety days after the passage of this act, on their own motion to appoint a jury of view to lay out the roads required in the preceding section and to mark and define them and to report in writing such marks and any prominent natural objects that may aid in defining the route selected. And upon the report of the jury of view such roads shall be declared public highways of the first class and the court shall order the overseer to open the same, and where the country is open prairie to plow a furrow on each side of the road and establish monuments at convenient intervals.

Section 3. If damages are claimed by any owner of land so appropriated for public highways, or by any person where enclosed premises are crossed, a jury to assess such damages shall be appointed as now provided in section 4371 of the Revised Statutes.

Section 4. If the damages assessed be excessive, the court may appoint another jury to assess them, and upon the second report, if the damages are deemed excessive, the court may change the road so as to avoid the property so greatly damaged, provided such change will not divert the road more than one quarter of a mile from a direct line, provided further that in all cases where the owner or owners of lands over which such roads shall pass shall have the right of appeal to the District Court where the same shall be tried, (by first giving a bond in a sufficient amount to cover all costs) and if a greater amount of damages is there obtained the county shall pay the excess and the costs, but if no greater damages are obtained the party taking the appeal shall pay all costs, provided that such appeal shall in no case delay or prevent the immediate opening of such road after the damages assessed as above have been tendered.

Section 5. Persons through whose enclosed premises such roads are laid out shall have nine months to remove and adapt their fences to the road. Where the county is unorganized the owners of fences shall not be required to remove them until such county shall become organized and not then until fifty residents of such county shall petition the commissioners court for the removal of such fences: provided that at all times the owners of such fences shall have at the crossing of such road convenient gates not less than twelve feet wide.

Section 6. The juries of view and the juries to assess damages, shall for the organized counties, be allowed such compensation as is now provided by law: and for the unorganized counties the sum of two dollars per day for the actual time employed and five cents per mile for the actual distance traveled to mark and lay out the road or to assess the damages, which amounts on sworn accounts shall be paid out of the respective county funds. And any person summoned as viewer as provided in this act who shall fail or refuse to perform the service required of him by law as such viewer shall be fined for contempt by the

commissioners court for every such failure, not less than five dollars, nor more than ten dollars, to be collected as other fines are collected: provided that all reasonable excuses shall be heard.

Section 7. Where there are no persons in the unorganized counties to act or willing to serve on the jury of view or jury to assess damages, the court shall designate citizens of their own county to perform the service.

Section 8. Nothing in this act shall be construed to prohibit the opening of other roads as is now provided by law. Roads laid out under the provisions of this act shall not be changed except for the purpose of securing a better and more direct route, and then only after actual view by a majority of the commissioners court of that portion of the road sought to be changed.

Section 9. All laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Section 10. The present impracticable condition of the public roads in some parts of the State rendering public travel difficult and dangerous and obstructing communication between the different counties and subdivisions of the State, creates an imperative public necessity which requires the suspension of the constitutional rule requiring bills to be read on three several days and it is so suspended, and an emergency that this bill take effect and be in force from and after its passage and it is so enacted.

I hereby certify that the within S. B. No. 36, originated in the Senate and passed the same Jan'y 23rd 1884.

WM. NEAL RAMEY,  
Secretary of the Senate.

I hereby certify that the within S. B. No. 36, passed the House of Representatives Feby. 6th 1884.

J. W. BOOTH,  
Chief Clerk House of Representatives.

Approved February 7th, 1884.

JNO. IRELAND, Governor.

S. B. No. 7.]

## CHAPTER XXX.

An Act making certain reservations for public roads out of lands hereafter disposed of by the State.

Section 1. Be it enacted by the Legislature of the State of Texas: That from and after the passage of this act, whenever any school, University or Asylum land or any land belonging to the State shall be sold or patented by the State each sale or sales shall be made and patents issued subject to the right of the State or county to public roads across such land so sold or patented, which right of way for roads whenever they may be laid out by proper authority in pursuance of law is hereby re-

served through and across such lands without cost to the State or county except damages done to improvements on such lands.

Section 2. If more than one road is laid out across any such tract of land then the county is to pay to the owner of the land, for all roads subsequently opened in addition to damages to improvements what the land, taken for roads, costs the original purchaser.

Section 3. The near approach of the close of the session creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and it is so enacted.

I certify that the within S. B. No. 7 originated in the Senate and passed the same Feby 4, 1884. Ayes 13 nays 12.

WM. NEAL RAMEY,  
Secretary of the Senate.

I hereby certify that the within S. B. No. 7, passed the House of Representatives Feby 6th 1884, by a 4-5 vote

J. W. BOOTH,  
Chief Clerk House of Representatives.

Approved February 7th, 1884.

JNO. IRELAND, Governor.

S. B. No. 63.]

## CHAPTER XXXI.

### An Act to prevent the destruction of grass.

Section 1. Be it enacted by the Legislature of the State of Texas: That any person who shall wilfully fire any grass within any inclosure, not his own, in this State, with intent to destroy the grass in such pasture, or any part thereof, or any person who shall fire the grass on the outside of any inclosure with the intent to destroy the grass in such inclosure, by the communication of said fire to the grass within, shall be deemed guilty of a felony, and upon conviction, punished by confinement in the State Penitentiary for a term of not less than two nor more than five years.

Section 2. That if any person shall wilfully, and with intent to injure the owner, or owners of the stock grazing thereon, set fire to any grass upon land not his own, with intent to destroy the same, he shall be confined in the State Penitentiary for a period not less than one year, nor more than three years.

Section 3. Whereas, there is no law fixing an appropriate penalty for the destruction of grass by fire, and whereas, there exists an imperative public emergency and necessity that the constitutional rule requiring this bill to be read on three several days, before its passage, be suspended, and the same is hereby suspended and that this act shall take effect from and after its passage.

I hereby certify that the within S. B. No. 63, originated in the Senate and passed the same—Yeas 28, nays 0—Jany. 30th 1884.

WM. NEAL RAMEY,  
Secretary of the Senate.

I hereby certify that the within S. B. No. 63, passed the House of Representatives—Yeas 71, nays 4, Feby. 6th 1884.

J. W. BOOTH,  
Chief Clerk House of Representatives.

Approved February 7th, 1884.

JNO. IRELAND, Governor

H. B. No. 1.]

CHAPTER XXXII.

An Act to amend article 4662, chapter 1, title 95, of the Revised Statutes, as amended and approved May 4, A. D. 1882, and to amend articles 4666 and 4668, chapter 1, title 95, of the Revised Civil Statutes, to reduce taxation for general revenue purposes, to conform the tax laws to the amended constitution, and to provide for the levy and collection of a tax to maintain a system of free schools under the amended constitution.

Section 1. Be it enacted by the Legislature of the State of Texas: That article 4662 of the Revised Civil Statutes, as amended and approved, May 4, A. D. 1882, shall hereafter read as follows:

Article 4662. There shall be levied and collected an annual ad valorem State tax of seventeen and one-half ( $17\frac{1}{2}$ ) cents on the one hundred dollars for general revenue purposes, and twelve and one-half ( $12\frac{1}{2}$ ) cents on the hundred dollars for the maintenance of public free schools, of the cash value thereof, estimated in lawful currency of the United States, on all real property situated, and on all movable property owned, in this State on the first day January of each and every year, except so much thereof as may be exempted by the constitution and laws of this State, which cash value shall be estimated in lawful currency of the United States.

Section 2. That articles 4666 and 4668, chapter 1, title 95, of the Revised Civil Statutes be so amended as hereafter to read as follows:

Articles 4666 and 4668. The commissioners' courts of the several counties of this State shall have the power to levy, for county revenue purposes, a tax of not more than one-fourth of one per centum, and for roads and bridges fifteen cents on the one hundred dollars' valuation of all property subject to State tax by the provisions of this act, and to pay all outstanding indebtedness incurred subsequently to the eighteenth day of April, A. D., 1876, and prior to the adoption of the amendment to section 9, article 8, of the constitution, an amount not to exceed twenty-five cents on the one hundred dollars valuation in any one year; and shall have the right to levy one-half of the occupation tax levied by the State upon all occupations not herein otherwise specially provided; provided,

any one wishing to pursue any of the vocations named in this act, upon which a county occupation tax may be levied, and upon which the State tax, in such cases, exceeds twenty dollars for a less period than one year may do so by paying the same quarterly; and provided further, the receipt of the proper officer, under seal, shall be prima facie evidence of the payment of such taxes as are herein named; and provided further, the provisions of this act shall not be deemed to affect the provisions of any law specially authorizing any commissioners' court to levy a different rate of tax; and, provided further, no person shall be allowed license for selling intoxicating or spirituous liquors, or keeping any nine or ten pin alley, or billiard, bagatelle, pigeon hole, jenny-lind, devil-among-the-tailors table, or anything of the kind used for profit, for a period of less than twelve months; and provided further, the mayor and board of aldermen of any incorporated town or city shall in no case levy a greater tax on any occupation than that authorized by this chapter to be levied by the county commissioners' court.

Section 3. Whereas the various county commissioners courts throughout the State are about to levy taxes for the present year, therefore an emergency exists, and an imperative public necessity requires that the rule, requiring bills to be read on three several days, be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

I hereby certify that the within H. B. No. 1, originated in the House, and passed the same, Jan'y 28, '84, by  $\frac{2}{3}$  vote—ayes, 72; noes 10.

J. W. BOOTH,

Chief Clerk of the House of Representatives.

I hereby certify that the within H. B. No. 1, passed the Senate, Feb. 1st, '84, by  $\frac{2}{3}$ d vote, to-wit: Ayes 18; noes 7.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved February 7th, 1884.

JNO. IRELAND, Governor.

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Sub H. B. No. 50 and 84.]

### CHAPTER XXXIII.

An act to prohibit the unlawful fencing or enclosing, or keeping enclosed, of the lands of another, and of the public school, public, university and asylum lands of the State of Texas, and to prevent the herding, or loose herding or detention of stock upon the lands of the State, the public schools, university and asylums, and to provide penalties for the violation of this act.

Section 1. Be it enacted by the Legislature of the State of Texas: That if any person or corporation shall knowingly make,

or permit to remain standing, any fence on or around the land of another, or the public, public school, university or asylum lands of this State, without the written consent of the owner thereof, duly acknowledged, or a duly executed lease of such land from the proper authority, in case of public, public school, university or asylum lands, as the case may be, duly recorded in the county where the land lies, or to which it is attached for judicial purposes, he shall be deemed guilty of a misdemeanor, and upon conviction therefor fined in any sum not less than fifty cents nor more than one dollar per acre per month for each month so enclosed, or fined and imprisoned in the county jail for any period not over two years. Within the meaning of person, as used in this act, is included every man managing or controlling for a corporation, firm, or joint stock company, and any and every individual or person who shall aid, assist or direct in the violation of this act. Half of all fines collected under the provisions of this act shall be paid to the person or persons informing on the person or corporation, who shall unlawfully enclose any land; provided, that each three months said land is so enclosed shall constitute a separate offense. A fence within the meaning of this act is any structure of wood, wire, or both, or any other material, intended to prevent the passage of cattle, horses, mules, asses, sheep, goats or hogs. Where persons or corporations have unlawfully fenced land belonging to the State, or public school, university, or asylum lands, it shall be the duty of the Attorney General, either in person or by proxy, to institute proceedings in the name of the State against any person or corporation so unlawfully enclosing said lands; and the expense incurred in employing counsel to prosecute such cases shall be deducted from the fine or fines collected from any person or corporation violating the provisions of this act, the balance to be paid to the fund to which it belongs.

Section 2. All persons or corporations who have already fenced lands within the prohibition of this act shall have six months from and after the time that this act goes into effect to conform to the provisions thereof; provided, that the provisions of this act shall not apply to any person or corporation who has heretofore or may hereafter, in good faith, fence land not their own.

Section 3. In all prosecutions under this act, the provisions of articles 699 and 700 of the Penal Code of the State of Texas shall apply.

Section 4. This act shall not apply to persons who have heretofore settled upon lands not their own, whence the enclosure is two hundred acres or less, and where the principal pursuit of such person upon the land is that of agriculture.

Section 5. That any person who owns or controls land surrounding land of another, may fence his own land, by fencing the inner boundaries of his survey and leaving a way or lane sixty feet wide (unobstructed by gates or otherwise), to the outer boundaries of the surrounding land, at such place as the owner or agent of the inner survey may demand; and providing two gates at such places on the inner and outer fences, as the owner of the inner survey shall demand; and they shall be kept in con-



dition convenient for opening and closing by the owner of the fence; or if no demand is made, the opening and gates shall be at such place as the owner of the outer survey may select. When the way or lane and gates are once located they shall not be changed, except by consent of the owners of both the inner and outer surveys.

Section 6. It shall be unlawful for any person, firm or corporation to herd, or aid in herding, or cause to be herded, loose herded or detained for grazing by line riding any cattle, horses, mules, asses, sheep or goats on any vacant public domain, school, university or asylum lands within this State unless the same shall have been leased from the proper authority: provided, that this section of this act shall not apply to persons herding such stock, in gathering for, or carrying to and from market, or in moving the same from one section of the country to another.

Section 7. Any person who shall knowingly violate any of the provisions in section 6 of this act shall be guilty of a misdemeanor, and, upon conviction shall be fined one hundred dollars for each year or part of a year, for each section, or part of section (meaning six hundred and forty acres of land or less, whether surveyed in sections or not) which shall be used contrary to the provisions of this act.

Section 8. The owner of the cattle, horses or sheep shall be liable to the State in the sum of one hundred dollars for each year, or part of a year, for each six hundred and forty acres of land, or tract of less size, that may be used contrary to the provisions of this act, which may be recovered in civil action, without affecting the criminal prosecutions prescribed herein.

Section 9. Where such unleased land is now herded upon contrary to the provisions of this act, belonging to the unappropriated domain, public school, university or asylum lands, it shall be a bar to the criminal and civil prosecution hereinbefore provided for, for any violation prior to January 1, 1885, if the violator of this act, or the owner of the cattle horses or sheep shall, prior to the first day of September A. D. 1884, pay into the State treasury thirty-two dollars for each section of 640 acres (or tract of less size) used contrary to this act, for the benefit of the fund to which the land belongs.

Section 10. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Sec. 11. The fact that there is no law making it penal to fence the lands of another, or the lands of the State, and that large quantities of lands are so fenced, creates an imperative public necessity that the rule requiring bills to be read on three several days in each house shall be suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

I hereby certify that the within S. H. B. Nos. 50 and 84, originated in the House and passed the same Jan'y 30 1884 by a  $\frac{2}{3}$  vote—ayes 84, nays 7.

J. W. BOOTH,  
Chief Clerk House of Representatives.

I hereby certify that the within S. H. B. Nos. 50 and 84, passed the Senate Jan'y 31, 1884, Ayes 17, noes 10.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved February 7th, 1884.

JNO. IRELAND, Governor.

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S. S. B. No. 51.] CHAPTER XXXIV.

An act to validate certain purchases of public school lands made by clerks in the General Land Office.

Whereas By an erroneous ruling of the commissioner of the general land office, some of the clerks in said office have been led to believe that they had a legal right to file upon and purchase certain of the public free school lands of the State, and

Whereas, so believing, they did apply for and purchase some of said lands, and

Whereas, said applications and purchases were innocently made by them through having been so misled; therefore;

Section 1. Be it enacted by the Legislature of the State of Texas; That the applications and purchases of public free school lands heretofore made by clerks in the general land office, wherein they have complied with and shall continue to comply with the law for the sale of such lands by the State, be and the same are in all things validated, and said purchasers are with reference to said purchases hereby placed upon an equal footing with any other citizen of this State.

Section 2. Nothing in this act shall be construed as validating the erroneous ruling of the commissioner of the general land office, under which said applications were received and recognized by said commissioner, or to validate or authorize any file or purchase hereafter made; or to validate or in any way affect any invalid purchases made by any other persons; or to relieve any other person whomsoever from the penalties of the civil or criminal laws which may be applicable to them.

Section 3. Whereas, Suits both civil and criminal are about to be instituted against the clerks in the general land office affected by this act; therefore, an emergency and imperative public necessity exists for the suspension of the rules and the immediate passage of this act, and that it takes effect from and after its passage.

I hereby certify that the within S. B. No. 51 originated in the Senate and passed the same February 1st A. D. 1884.

WM. NEAL RAMEY,  
Secretary of the Senate.

I hereby certify that the within S. B. No. 51 passed the House February 6th A. D. 1884.

J. W. BOOTH,  
Chief Clerk House of Representatives.

NOTE.—The foregoing act was presented to the Governor of Texas for his approval on the 6th day of February 1884 and was not signed by him or returned to the house in which it originated, with his objection thereto, within the time prescribed by the constitution, and therefore became a law without his signature.

J. W. BAINES,  
Secretary of State.

S. B. No. 31.]

CHAPTER XXXV.

An Act to amend Section one of "An act requiring the proceeds arising from the leasing or renting of County School Lands and from sales of timber thereon to be applied exclusively to educational purposes," passed at the regular session of the 16th Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas; That Section one of an act entitled "An Act requiring the proceeds arising from leasing or renting of county school lands and from sales of timber thereon, to be applied exclusively to educational purposes", passed at the regular session of the 16th Legislature, be so amended as to read as follows:

Section 1. The proceeds of any leasing or renting of lands heretofore granted by the State of Texas to the several counties thereof for educational purposes, shall be appropriated by the commissioners courts of said counties, in the same manner as is provided by law for the appropriation of the interest on bonds purchased with the proceeds of the sale of such lands. And that the proceeds arising from the sale of timber on said lands or any part thereof, shall be invested in like manner as the constitution and law requires of proceeds of sales of such lands, and it shall be unlawful for the commissioners court of any county to apply said proceeds, or any part thereof to any other purpose, or to loan the same, or to invest the same, except as above required.

Section 2. Whereas, school funds are now accumulating in some of the counties of this State, arising from rental of county school lands and sales of timber taken from county school lands, and under existing legislation said proceeds are now applied and distributed in a manner not conducive to the best interest of the scholastic population; this state of facts existing, creates an imperative public necessity for a suspension of the constitutional rule requiring bills to be read on three several days, prior to final action thereon, and emergency that this act take effect and be in force from and after its passage and it is so enacted.

I hereby certify that the within S. B. No. 31, originated in the Senate and passed the same—ayes 19, nays 3—Feby. 5th 1884.

WM. NEAL RAMEY,  
Secretary of the Senate.

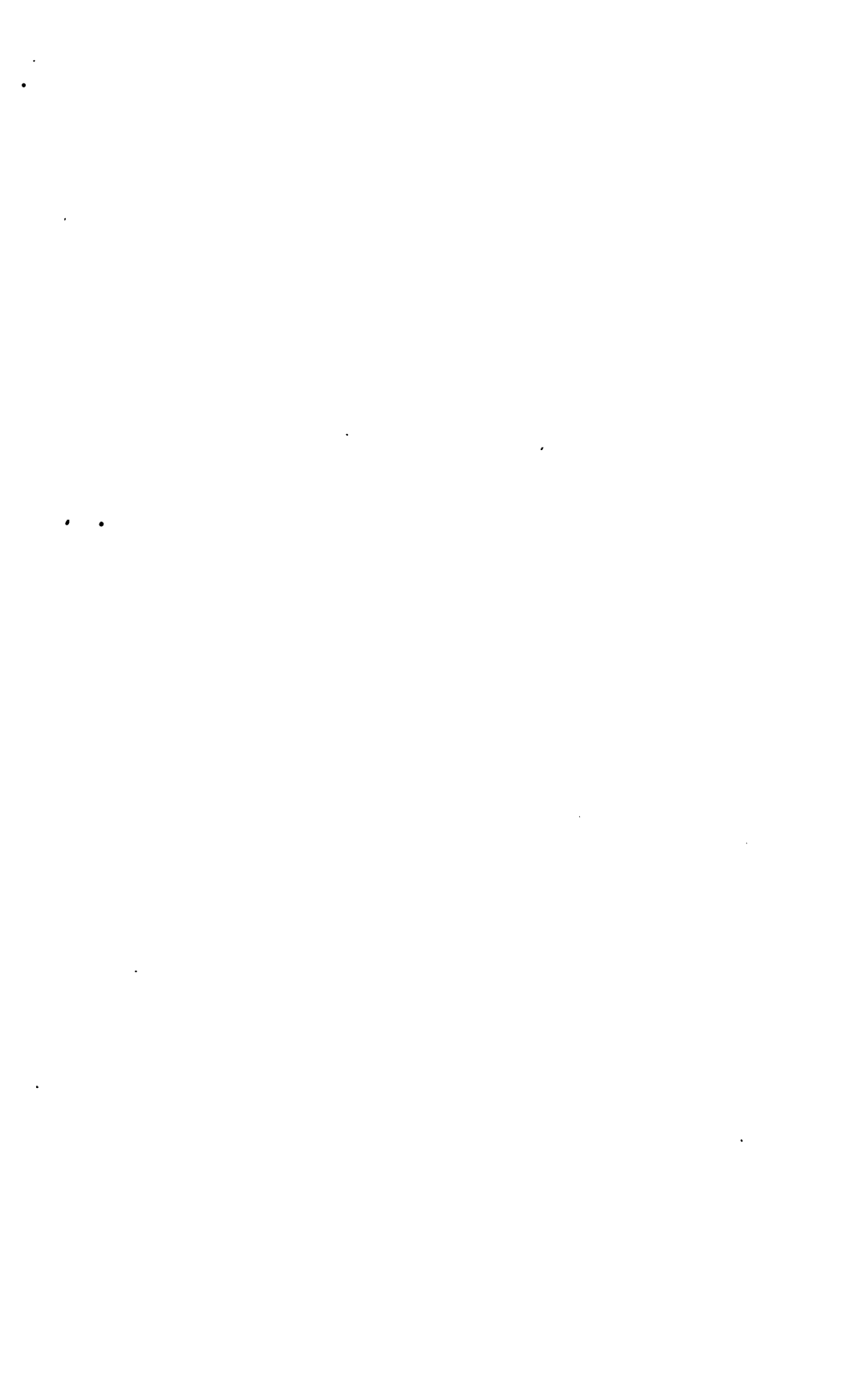
I hereby certify that the within S. B. No. 31 passed the House of Representatives—ayes 78, nays 1—Feby. 6th 1884.

J. W. BOOTH,

Chief Clerk House of Representatives.

Approved February 7th, 1884.

JNO. IRELAND, Governor.



# RESOLUTIONS.

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S. J. R. No. 3.]

No. 1.

## JOINT RESOLUTION

Requesting the Senators and Representatives of Texas in Congress to urge the passage of any bill now pending before the Congress of the United States, which has for its object the granting of the right of way through the Indian Territory to the Gulf, Colorado and Santa Fe Railroad Company, or to any reliable company.

Whereas The Gulf, Colorado and Santa Fe Railway Company purpose at an early day to extend its line of road from Ft. Worth, in Tarrant Co, or from any other point said Company may desire, northward to a point on the boundary of the Indian Territory, and through said Indian Territory and the State of Kansas on to Kansas City in the State of Missouri.

And Whereas The building and extension of said Gulf, Colorado and Santa Fe Railway from and to the points above named, will be of great commercial advantage to Texas, in that it will furnish a competing line with other railway lines already built and hereafter to be built through the Indian Territory, therefore:

Section 1. Be it resolved by the Legislature of the State of Texas, That the Senators and Representatives of Texas in Congress, be and they are hereby requested to urge the passage of any bill now pending in Congress having for its object the granting of the right of way through the Indian Territory to the Gulf, Colorado and Santa Fe Railway Company or to any reliable rail way company.

Section 2. Be it further resolved That the Secretary of State be requested to furnish a copy of this resolution to each of the Senators and Representatives of Texas in the United States Congress.

Approved January 18th, 1884.

JNO. IRELAND, Governor.

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S. J. R. 2.]

No. 2.

## JOINT RESOLUTION

Instructing our Senators and requesting our Representatives in Congress to use their endeavors to procure suitable and adequate appropriation to secure deep water at Sabine Pass.

Whereas, It is the opinion of learned and scientific engineers  
(607)

that deep water can be obtained and permanently retained at Sabine Pass, and

Whereas This opinion is sustained and proven by recent experiments, and

Whereas Great benefit would result to the State by reason of the obtaining of deep water at Sabine Pass, therefore,

Section 1. Be it resolved by the Senate of the State of Texas, the House of Representatives concurring, That our Senators in Congress be instructed and our Representatives requested to use their endeavors to procure suitable and adequate appropriation to secure deep water at Sabine Pass in order to meet the growing demands of commerce of the State of Texas.

Section 2. Be it further resolved That immediately upon the passage of this resolution, the Secretary of State be and he is hereby directed to furnish each of our Senators and Representatives in Congress with certified copies of the same.

Section 3. Whereas the present session of the Legislature is limited, and matters of grave importance will be considered by it, creates an imperative public necessity and emergency that the rule requiring bills to be read on three several days be suspended and that this resolution take effect from and after its passage, which is accordingly done.

Approved January 24th, 1884.

JNO. IRELAND, Governor.

H. J. R. No. 18.]

No. 3.

### JOINT RESOLUTION

Requesting our Senators and Representatives in Congress to use their best efforts to procure the passage by Congress, at its present session, of an act for the improvement of the entrance to Galveston Harbor on the basis of the pending proposition of Capt. Jas. B. Eads.

Section 1. Be it resolved by the Legislature of the State of Texas, That our Senators in Congress are hereby instructed, and our Representatives in Congress are hereby requested, earnestly and unitedly to urge the passage, at the present session of Congress of an act for the improvement of the entrance to Galveston Harbor on the basis of the pending proposition made by Capt. Jas. B. Eads in response to the invitation of the City of Galveston.

Approved January 25th, 1884.

JNO. IRELAND, Governor.

H. C. R. No. 2.]

No. 4.

### CONCURRENT RESOLUTION.

Whereas, The frequent commission of crime in the Choctaw and Chickasaw Nations, within the Indian Territory, contiguous

to the northern borders of this State, often affecting the personal and property rights of our own citizens, demands a more efficient and prompt remedy than is or can be afforded by any existing Federal jurisdiction, by reason of their great distance from the place of holding the courts; therefore,

Resolved by the House of Representatives, the Senate concurring, That the Congress of the United States are respectfully requested to provide by law for a term of the Federal court at some accessible and convenient point within and near the northern border of this State, with jurisdiction of offences committed within said Territory.

Resolved, That our Senators and Representatives in Congress be furnished by the Secretary of State with copies of this Resolution, and they are urgently requested to advocate the passage of a law providing for such Federal court, with jurisdiction as aforesaid.

Approved.

JNO. IRELAND, Governor.

THE STATE OF TEXAS, }  
DEPARTMENT OF STATE.

I, J. W. Baines, Secretary of State of the State of Texas, do hereby certify that I have compared the foregoing Laws and Resolutions, passed by the special session of the Eighteenth Legislature, and that they are true copies thereof. I further certify that the special session of the Eighteenth Legislature convened in Austin on the eighth day of January, A. D. 1884, and adjourned on the sixth day of February, A. D. 1884.

[L. s.] In Testimony Whereof, I hereunto sign my name and impress hereon the seal of the State, at the city of Austin, on this the fifteenth day of February, A. D. 1884.

J. W. BAINES,  
Secretary of State.



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**GENERAL LAWS**

**OF**

**THE STATE OF TEXAS**

**PASSED AT THE**

**REGULAR SESSION OF THE NINETEENTH LEGISLATURE**

**CONVENED**

**AT THE CITY OF AUSTIN**

**JANUARY 13, AND ADJOURNED MARCH 31, 1885.**

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**BY AUTHORITY OF THE STATE OF TEXAS**

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**AUSTIN, TEXAS**  
**1885**

NOTE.

Constitution of the State of Texas, Article III.

Sec. 39. No law passed by the Legislature, except the general appropriation act, shall take effect or go into force until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency, which emergency must be expressed in a preamble or in the body of the act, the Legislature shall, by a vote of two-thirds of all the members elected to each house, otherwise direct; said vote to be taken by yeas and nays, and entered upon the journals.

# GENERAL LAWS.

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S. B. No. 13.]

## CHAPTER 1.

An Act making an appropriation for the mileage and per diem pay of the members and the per diem pay of the officers and employees of the Nineteenth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas, That the sum of eighty thousand dollars or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, for the payment of mileage and per diem pay of members and per diem pay of officers and employees of the Nineteenth Legislature of the State of Texas.

Section 2. That the certificate of the Secretary of the Senate, approved by the President thereof, or of the Chief Clerk of the House approved by the Speaker thereof shall be sufficient evidence to the Comptroller upon which he shall admit the claims and issue his warrants upon the Treasurer for the respective amounts.

Section 3. And whereas the Nineteenth Legislature for the payment of the officers, members and employees of which this law is enacted, is now in session and public policy requires their payment; therefore an imperative public necessity exists that the rule requiring this bill to be read on three several days be suspended and it is so suspended and that this act take effect and be in force from and after its passage.

Approved January 20th, 1885.

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H. B. No. 81.]

## CHAPTER 2.

An Act making an appropriation to defray the contingent expenses of the Nineteenth Legislature.

Sec. 1. Be it enacted by the Legislature of the State of Texas: That the sum of thirty thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to pay the contingent expenses of the Nineteenth Legislature. That (except in cases of accounts for printing done, and stationery furnished) the certificate of the chairman of the Committee on Contingent Expenses, that an account has been examined and approved by said committee, and countersigned

by the President of the Senate or the Speaker of the House, as the case may be, shall be sufficient authority to authorize and require the Comptroller of Public Accounts to draw his warrant on the State Treasury for the payment of any claim against said fund. The accounts for printing and stationery shall take the course prescribed by the Revised Statutes.

Sec. 2. Whereas, it is of sufficient public importance that the contingent expenses of the Legislature be promptly paid in order that the material furnished and labor performed, may be procured at cash prices, and the want of such appropriation to pay the contingent expenses of the Nineteenth Legislature, creates an imperative public necessity that the rule requiring bills to be read on three several days in each house should be suspended and this act take effect from and after its passage, and it is so enacted.

Approved January 26th, 1885.

S. B. No. 5.]

### CHAPTER 3.

An Act to re-organize the twenty-eighth judicial district of the State of Texas, and to provide the times for holding the district court therein.

Section 1. Be it enacted by the Legislature of the State of Texas That the twenty-eighth judicial district of the State of Texas shall be composed of the following counties: Cameron, Hidalgo, Starr, Zapata, Webb, Encinal, Duval and Nueces.

Section 2. Be it further enacted That the district courts of said district shall be holden at the times hereinafter specified, to wit:

In the county of Cameron on the first Mondays in March and September and may continue in session four weeks.

In the county of Hidalgo on the fourth Monday after the first Mondays in March and September and may continue in session one week.

In the county of Starr on the fifth Monday after the first Mondays in March and September and may continue in session two weeks.

In the county of Webb on the seventh Monday after the first Mondays in March and September and may continue in session five weeks.

In the county of Duval on the twelfth Monday after the first Mondays in March and September and may continue in session two weeks.

In the county of Nueces on the fourteenth Monday after the first Mondays in March and September and may continue in session until the business is disposed of, not to exceed six weeks.

Section 3. Be it further enacted: That the counties of Zapata and Encinal be, and they are hereby attached to the county of Webb for judicial purposes.

Section 4. Be it further enacted: That all writs and process, civil and criminal heretofore issued by or from the district courts in the several counties in said district and made returnable to the former terms of said courts, as said terms are now

fixed by law shall be returnable to next ensuing terms of said district courts, in each county, as they are prescribed in this act and all such writs or process that may be issued by or from said courts at any time within five days next before holding of the next ensuing terms of said courts as prescribed herein are hereby made returnable to said terms respectively, and all such writs or process hereinbefore mentioned are hereby legalized, and validated to all intents and purposes, as if the same had been made returnable to the term or terms of said courts, as the terms thereof are herein prescribed; and there shall be selected by the jury commissioners at each term of the district court of Webb county, five resident citizens in and qualified jurors of Zapata county to serve as grand jurors for the county of Webb at the next succeeding term of the district court of Webb county, who shall be summoned and qualified, and shall thereupon constitute a part of the grand jury in and for said county of Webb at said term.

Section 5. Be it further enacted: That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Section 6. Be it further enacted That the fact that a sufficient number of qualified jurors cannot be had in the county of Zapata to hold a term of the district court therein, creates an imperative public necessity and emergency for the suspension of the constitutional rule which requires that all bills shall be read on three several days, and the said rule is accordingly suspended, and this act shall take effect and be in force from and after its passage.

I do hereby certify that the within S. B. No. 5 passed the Senate by 24 ayes, nays none, January 17th, 1885, and that the same originated in the Senate.

WM. NEAL RAMEY,  
Secretary of the Senate.

I do hereby certify that the within S. B. No. 5 passed the House by a vote of 88 ayes, noes none, on January 23, 1885.

A. D. SADLER,  
Chief Clerk House of Representatives.

Approved January 26th, 1885.

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S. B. No. 12.]

CHAPTER 4.

An Act to prescribe the times of holding District Court in the several counties composing the 36th Judicial District of the State of Texas.

Be it enacted by the Legislature of the State of Texas: Section 1. That the District Court shall be held in the several counties comprising the Thirty sixth (36th) Judicial District of the State of Texas at the following times, to wit:

In the county of San Patricio, on the first Mondays in March and September, and may continue in session one week;



In the county of Live Oak, on the second Mondays in March and September, and may continue in session two weeks;

In the county of McMullen, on the third Monday after the first Mondays in March and September, and may continue in session one week;

In the county of Atascosa, on the fourth Monday after the first Mondays in March and September, and may continue in session three weeks;

In the county of Frio, on the seventh Monday after the first Mondays in March and September, and may continue in session two weeks;

In the county of La Salle, on the ninth Monday after the first Mondays in March and September, and may continue in session two weeks;

In the county of Zavalla, on the eleventh Monday after the first Mondays in March and September, and may continue in session one week;

In the county of Dimmit, on the twelfth Monday after the first Mondays in March and September, and may continue in session one week;

In the county of Maverick, on the thirteenth Monday after the first Mondays in March and September, and may continue in session until business is disposed of, not exceeding three weeks.

Section 2. That all laws, or parts of laws, in conflict with this act or any of its provisions are hereby repealed.

Section 3. That the facts that Zavalla county, (one of the counties in the 36th judicial district of Texas), is an organized county and that there are no times prescribed by law for holding district court therein, and that there is a large number of both civil and criminal cases, demanding trial or disposition, of which the district court of that county has jurisdiction, creates an imperative public necessity authorizing the suspension of the constitutional rule which requires all bills to be read on three several days and the same is therefore suspended; and the near approach of the time for holding districts courts in the said 36th judicial district under the present law wherein no provision is made for holding district court in Zavalla county together with the above recited facts causes an emergency to exist that this act shall take effect and be in force from and after passage, and it is so enacted.

Section 4. That all writs or process, civil or criminal, returnable to the district court of any county mentioned in this act or requiring the appearance of any party at the next term of court as now fixed by the law before this act takes effect, shall be returnable to the first term thereof as prescribed in this act.

I do hereby certify that the within S. B. No. 12 originated in the Senate and passed the same by a vote of 22 ayes, Jan'y 17th, 1885.

WM. NEAL RAMEY,  
Secretary of the Senate.

I do hereby certify that the within S. B. No. 12, passed the House by a vote of 87 ayes, January 23 1885.

A. D. SADLER,  
Chief Clerk House of Representatives.

Approved January 29th, 1885.

S. B. No. 71.]

CHAPTER 5.

An Act to transfer to the general revenue account certain funds now in the State treasury to the credit of other accounts.

Section 1. Be it enacted by the Legislature of the State of Texas: That the amounts now in the State treasury to the credit of the following named accounts be and the same are hereby transferred to the general revenue account, to be used in payment of the current expenses of the State government:

Sinking fund, bonded debt account.....	\$1,360	27
Escheated estates " .....	9,527	35
Settlement of estates " .....	10,748	66
Redemption 10 per cent funding bonds account.....	642	06
Ten per cent warrant account.....	7,359	85
Redemption 6 per cent bonds account.....	5,500	00
Municipal tax " .....	318	47
Special school fund " .....	10,479	75

Section 2. That the Comptroller of Public Accounts shall make such entries on the books of his department as will show the transfers directed in section 1 of the act, and shall notify the State Treasurer of said transfers.

Section 3. That should any claim authorized by law be presented against any one of the accounts from which funds have been borrowed and transferred by section 1 of this act, not exceeding the amount transferred from such account, the Comptroller shall transfer from the general revenue account back to the account against which any lawful claim may be presented, such an amount as will be sufficient to pay said claim.

Section 4. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Section 5. Whereas the immediate operation of the provisions of this act will place in the treasury to the credit of the general revenue account additional funds necessary for the payment of the current expenses of the State government; therefore an emergency exists that the constitutional rule requiring this bill to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

I do hereby certify that the within S. B. No. 71. originated in the Senate and passed the same by a vote of 22 ayes, 4 noes, Jan 26 1885.

WM. NEAL RAMEY,  
Secretary of the Senate.

I do hereby certify that the within S. B. No. 71, passed the House by a vote of 83 ayes, noes 1, January 30, 1885.

A. D. SADLER,  
Chief Clerk of the House of Representatives.  
Approved January 31st, 1885.

S. B. No. 115.]

## CHAPTER 6.

An Act to amend section 24 of an act to redistrict the State into judicial districts and fix the times for holding courts therein and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November 1884, approved April 9, 1883.

Section 1. Be it enacted by the Legislature of the State of Texas: That section 24 of an act to re-district the State into judicial districts and fix the times of holding courts therein and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday of November, 1884, approved April 9, 1883, shall hereafter read as follows:

Section 24. The twenty fourth judicial district shall be composed of the counties of De Witt, Karnes, Victoria, Bee, Goliad, Refugio, Calhoun and Aransas and the district courts shall be held therein as follows:

In the county of De Witt on the thirteenth Monday after the first Mondays in March and September and may continue in session until the business is disposed of;

In the county of Victoria on the tenth Monday after the first Mondays in March and September and may continue in session three weeks;

In the county of Calhoun on the ninth Monday after the first Mondays in March and September and may continue in session one week;

In the county of Refugio on the second Mondays in March and September and may continue in session two weeks;

In the county of Aransas on the first Mondays in March and September and may continue in session one week;

In the county of Bee on the third Monday after the first Mondays in March and September and may continue in session two weeks;

In the county of Karnes on the fifth Monday after the first Mondays in March and September and may continue in session two weeks;

In the county of Goliad on the seventh Monday after the first Mondays in March and September and may continue in session two weeks.

Section 2. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Section 3. The fact that this act changes the times of holding the district courts in Aransas and Refugio counties creates an imperative public necessity, and an emergency exists requiring the immediate passage of this act and that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect from and after its passage, and it is so enacted.

I do hereby certify that the within S. B. No. 115 originated in the Senate and passed the same by a vote of 24 ayes, noes none, Jan. 24, 1885

WM. NEAL RAMEY,  
Secretary of the Senate.

I do hereby certify that the within S. B. No. 115 passed the House by a vote of 81 ayes, Feb. 3. 1885.

A. D. SADLER,

Chief Clerk of the House of Representatives.

Approved February 4, 1885.

H. B. No. 183.]

CHAPTER 7.

An Act to amend article 75 of the Revised Civil Statutes of the State of Texas, as amended by an act passed at the regular session of the 18th Legislature, approved April 14, A. D. 1883.

Section 1. Be it enacted by the Legislature of the State of Texas, That article 75, of the Revised Civil Statutes of the State of Texas, as amended by an act passed at the regular session of the 18th Legislature, approved April 14th, A. D. 1883, be and the same is hereby amended so that it shall hereafter read as follows to wit:

Article 75. The board of managers of the Lunatic Asylum shall elect a medical superintendent of their respective Asylums, who shall hold their offices for two years. He shall be a married man, a skillful physician, and also experienced in the treatment of insanity. He shall reside at the Asylum with his family, and shall devote his whole time exclusively to the duties of his office.

Section 2. Whereas, the time for electing a Superintendent for the asylum at Austin has arrived, and the board of managers are unable to find a man in the State of Texas who is eligible under existing law, and at the same time otherwise acceptable; and whereas, it is believed that competent men can be found in the State of Texas, and the insane properly cared for, without importing a Superintendent from another State, therefore an imperative public necessity exists justifying the suspension of the constitutional rule requiring bills to be read on three several days, and it is enacted that the rule be suspended, and that this bill take effect from and after its passage.

I hereby certify that H. B. No. 183 originated in the House, and passed the same January 27th, 1885, ayes 80, nays 1.

A. D. SADLER,

Chief Clerk House of Representatives.

I hereby certify that H. B. No. 183 passed the Senate February 5th, 1885, ayes 24, nays none.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved February 5th, 1885.

S. B. No. 17.]

## CHAPTER 8.

An Act to give orders of sale foreclosing liens upon land the force and effect of writs of possession.

Section 1. Be it enacted by the Legislature of the State of Texas: That hereafter, when any order foreclosing a lien upon real estate is made in a suit having for its object the foreclosure of such lien, in any court having jurisdiction, such order shall have all the force and effect of a writ of possession, as between the parties to such suit of foreclosure and any person claiming under the defendant to such suit by any right acquired pending such suit; and the court shall so direct in the judgment providing for the issuance of such order, and the sheriff or other officer executing such order of sale, shall proceed by virtue of said order to place the purchaser of the property sold under the same in possession thereof within thirty days after the day of sale.

Approved February 10th, 1885.

H. B. No. 21.]

## CHAPTER 9.

An Act to amend article 677 of the Penal Code of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas, That article 677 of the Penal Code of the State of Texas be so amended as to hereafter read as follows:

Article 677. If any person shall intentionally break, cut, pull or tear down, misplace, or in any other manner injure any telegraph or telephone wire, post, machinery, or other necessary appurtenance to any telegraph or telephone, line or in any way wilfully obstruct or interfere with the transmission of messages along such telegraph or telephone line, he shall be punished by confinement in the penitentiary not less than two nor more than five years, or by fine not less than one hundred nor more than two thousand dollars.

Section 2. Whereas, there is no law in force in this State affording protection to the telephone lines thereof, and whereas great damage is being done them in some portions of the State, therefore an emergency and imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage and it is so enacted.

I hereby certify that H. B. No. 21 originated in the House and passed the same January 27th, 1885, by a two-thirds vote, ayes 83, nays 1.

A. D. SADLER,

Chief Clerk House of Representatives.

I hereby certify that H. B. No. 21 passed the Senate February 5th, 1885, ayes 17, nays 6.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved February 10, 1885.

H. B. No. 51.]

CHAPTER 10.

An Act to restore to, and confer upon the county court of Grimes county, the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Statutes of the State to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with the provisions of this act.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county court of Grimes county shall hereafter have exclusive original jurisdiction in civil cases when the matter in controversy shall exceed in value two hundred dollars, and shall not exceed five hundred dollars, exclusive of interest, and shall have concurrent jurisdiction with the district court of said county, when the matter in controversy shall exceed five hundred dollars, and not exceed one thousand dollars.

Section 2. Said county court shall have appellate jurisdiction in civil cases over which justices courts have original jurisdiction when the judgment of the court appealed from or the amount in controversy shall exceed twenty dollars, and said county court shall have power to hear and determine cases brought up from justices courts by certiorari under the provisions of the title of the Revised Civil Statutes relating thereto.

Section 3. The county judge of said county shall have authority, either in term time or vacation, to grant writs of mandamus, injunction, sequestration, attachments, garnishment, certiorari and supersedias, and all other writs necessary to the enforcement of the jurisdiction of said court, and shall also have power to issue writs of habeas corpus, in all cases where the Constitution has not conferred the power on the district courts or judges thereof.

Section 4. Said county court shall have jurisdiction in the forfeiture and judgment of all bonds and recognizances when in criminal cases, of which criminal cases said court has jurisdiction.

Section 5. Said county court shall have exclusive original jurisdiction of all misdemeanors, except misdemeanors involving official misconduct, and except cases where the highest penalty of fine that may be imposed under the law may not exceed two hundred dollars. And said court shall have appellate jurisdiction in criminal cases, of which justices of the peace and other inferior tribunals of said county have original jurisdiction.

Section 6. The district court of Grimes county shall no longer have jurisdiction of cases of which the county court of said county by the provisions of this act have exclusive or appellate jurisdiction, and it shall be the duty of the district clerk of said county within thirty days after the passage of this act, to make a full and complete transcript of all orders on the district court docket in cases now pending before said court, of which cases by the terms of this act, exclusive jurisdiction is given the county court, and to deliver said transcript together with the original papers, and certified bills of costs in each case to the clerk of said county court herein named, and said county

clerk shall enter said cases on the county court docket of said county for trial.

Section 7. The county court of said county shall hereafter hold its regular term for civil and criminal business as provided in the Constitution and general laws of the State, and all process heretofore issued from the district court of said county in cases to be transferred under this act to the county court, shall be returnable to the first term of the county court of said county, and all civil cases transferred shall be entered as appearance causes upon the docket of said county court.

Section 8. All laws in conflict with the provisions of this act are hereby repealed.

Section 9. The crowded condition of the docket of the district court of Grimes county creates an emergency and an imperative public necessity that the rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage

I hereby certify that H. B. No. 51 originated in the House and passed the same January 30th, 1885, by a two-thirds vote, ayes 75.

A. D. SADLER,  
Chief Clerk House of Representatives.

I hereby certify that H. B. No. 51 passed the Senate February 3rd, 1885, by a two-thirds vote, ayes 26.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved February 10th, 1885.

S. B. No. 112.]

## CHAPTER 11.

An Act to provide for the issuance and sale of the bonds of the State to supply deficiencies in the revenue, and to provide the manner of the sale of said bonds.

Section 1. Be it enacted by the Legislature of the State of Texas: That the Governor be and he is hereby authorized and directed to have issued manuscript bonds of the State of Texas to the amount of two hundred thousand dollars, to be known as registered bonds.

Section 2. That said bonds shall be of such denomination as the Governor may direct, and shall be redeemable at the pleasure of the State, on or before the first day of January A. D. 1890, and shall bear interest at the rate of six per centum per annum, payable annually at the State Treasury on the first day of July in each year; and it is hereby made the duty of the Governor to direct payment of these bonds in whole or in part as soon as there is in the State Treasury unappropriated revenue sufficient to pay one or more of said bonds.

Section 3. That the bonds issued under this act, the title of which and date of passage shall be recited therein, shall be signed by the Governor and Treasurer, shall be countersigned

by the Comptroller, and shall be registered in the office of the State Treasurer; and after said bonds are so registered, the Governor shall offer the bonds to the Board of Education as an investment for the special funds which are by law authorized to be invested; and if such bonds shall not be taken by the Board of Education as an investment for the special funds, then such bonds shall not be disposed of, but shall be destroyed in the presence of the Governor, Treasurer and Comptroller, and shall have no more effect than if never issued; and if such bonds shall be so taken they shall not be transferred, and if they shall be transferred in violation of the provisions of this law, then such bonds shall be void and of no effect as obligations against the State; provided, that the bonds authorized by this act shall not be sold for less than par and accrued interest.

Section 4. The present condition of the State Treasury creates an emergency and an imperative public necessity that this act take effect immediately, and it is therefore enacted that the same take effect from and after its passage.

I do hereby certify that the within S. B. No. 112 originated in the Senate, and passed the same by a vote of 24 ayes and 4 noes. Jan. 29, 1885.

WM. NEAL RAMEY,  
Secretary of the Senate.

I do hereby certify that the within S. B. No. 112 passed the House by a vote of 78 ayes and 6 nays, Feb. 6, 1885.

A. D. SADLER,  
Chief Clerk of the House of Representatives.

Approved February 13th, 1885.

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S. B. No. 150.]

CHAPTER 12.

An Act to amend sections 9 and 10 of an act entitled "An act to provide for the classification, sale and lease of the lands heretofore or hereafter surveyed and set apart for the benefit of the Common School, University, the Lunatic, Blind, Deaf and Dumb, and Orphan Asylum funds."

Section 1. Be it enacted by the Legislature of the State of Texas: That sections 9 and 10 of an act entitled "An act to provide for the classification, sale and lease of the lands heretofore or hereafter surveyed and set apart for the benefit of the Common School, University, the Lunatic, Blind, Deaf and Dumb, and Orphan Asylum funds," be and the same are hereby amended so as hereafter to read as follows:

Section 9. The purchaser shall pay at once to the person selling for the State or to the State Treasurer as the board may determine and within such time as it may fix, one thirtieth of the amount bid and execute his obligation for the remainder of the purchase money payable to the State of Texas and binding the purchaser to pay one thirtieth of the whole price on the first day of each succeeding year until the whole is paid, and interest at the rate of five per cent per annum on the whole unpaid pur-



chase money from date payable annually on or before the first day of March of each year; and provided that after the expiration of seven years the purchaser shall have the option to pay the unpaid principal; and provided that a failure to pay the annual installments of principal shall not work a forfeiture until the whole sum is due; provided that, upon proof of actual occupation, use and improvement for three consecutive years, the purchaser shall be permitted to pay all of the purchase money remaining unpaid; provided also that if the payment of the annual instalments of interest be made by the first day of August succeeding the first day of March when the same became due then no forfeiture shall result or be taken for such delay in such payments; provided further than any person acting as agent or attorney for another in the purchase of any of said lands shall file with the person authorized to sell a legally executed power of attorney from his principal or other instrument in writing from a court of competent authority to invest him with powers to consummate a contract.

Section 10. If upon the first day of August of any year the interest due on the first day of the previous March remains unpaid the custodian of the obligation of the purchaser shall endorse on it "lands forfeited" and the account kept with the purchaser shall show such failure to pay and such forfeiture; the failure to pay the interest by the first day of August following its maturity shall ipso facto work a forfeiture and the entry on this account shall be evidence of the fact and there shall be no necessity for judicial ascertainment of the facts of the forfeiture; and no defaulting purchaser or those claiming under him shall evade or avoid the effects of such forfeiture at once by reason of any statute or law, which for coverture, infancy or the like would otherwise give them additional time for the payments or action, except as follows: Should any purchaser die the representatives or heirs of the deceased shall have one year within which to pay the interest due on the first day of March next after such death.

Section 2. The fact this act should take effect before the first day of March 1885 in order to avoid forfeitures which otherwise might be taken at that time creates an emergency and imperative public necessity that the rules requiring bills to, be read on three several days be suspended and that this act take effect from and after its passage and it is so enacted.

I do hereby certify that the within S. B. No. 150 originated in the Senate and passed the same by a vote of 23 ayes, 1 nay, Feb. 4th, 1885.

WM. NEAL RAMEY,  
Secretary of the Senate.

I do hereby certify that the within S. B. No. 150 passed the House by a vote of 76 ayes, 5 noes, Feb. 9, 1885.

A. D. SADLER,  
Chief Clerk House of Representatives

Approved February 16th, 1885.

S. H. B. No. 3.]

CHAPTER 13.

An Act making appropriations for deficiencies in the appropriations heretofore made for payment of expenses in support of the government from March 1st 1884, to February 28th 1885, being for payment of claims registered in the Comptroller's office, in accordance with law, and for outstanding claims not registered, and other deficiencies.

Section 1. Be it enacted by the Legislature of the State of Texas, That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated, out of any money in the treasury not otherwise appropriated, for deficiencies incurred in support of the State government for the period beginning March 1st, 1884, and ending February 28th, 1885, and for previous years:

Attached witnesses in felony cases—		
To pay attached witnesses (registered).....	\$15,240	83
Estimated .....	10,000	00
Fees due justice peace, constables, etc.—		
Claims registered .....	3,140	83
Estimated .....	2,100	00
Liquor dealers—		
To refund tax due liquor dealers.....	1,747	90
Estimated .....	700	00
To pay deficiency in quarantine.....	3,970	00
To pay veteran claims (registered)—		
From October 1st 1884 to March 31st 1885.....	40,000	00
Estimated .....	18,000	00
Contingent expenses due Land Office.....	35	96
To gas furnished Capitol.....	41	65
Supreme Court .....	2,220	74
Special judges .....	1,261	30
Sheriffs, clerks and attorneys.....	150,000	00
Contingent, Court Appeals .....	128	34
To unpaid balance due Dr. Frank Rainey on salary for the year beginning March 1st 1880, and end- February 28th 1881 .....		
	200	00
For rent of room in Krohn building in the city of Austin for the storage of books in charge of Hon. Jos. W. Baines, Sect'y of State, for the two years commencing on the 1st day of March 1883, and ending on last day of February 1885, at twenty dollars per month.....		
	480	00
For payment of S. D. Terry, sheriff of Hamilton county, fees due in the case of the State of Texas vs. John Mayfield .....		
	27	70
To pay Mrs. Josephine Graham two second-class claims of public debt, Nos. 1493 and 1494 \$30.00 each.....		
	60	00

Section 2. The fact that there is no appropriation to pay the claims herein stated, which are outstanding against the State, creates an emergency and an imperative public necessity which justifies the suspension of the constitutional rule requiring bills to be read on three several days, and that this act should go into effect from and after its passage, and it is so enacted.

I hereby certify that S. H. B. No. 3 originated in the House and passed the same January 27th, 1885, by a two-thirds vote, ayes 73, nays 3.

A. D. SADLER,

Chief Clerk House of Representatives.

I hereby certify that S. H. B. No. 3 passed the Senate February 12th, 1885, by ayes 21, nays 1.

WM. NEAL RAMEY,

Secretary of the Senate.

Approved in all things except the item of \$3,970.00 for quarantine, which is disapproved, for the reasons 1, there is no deficiency in quarantine appropriation for the year named in the caption; and 2d, the caption does not express the purpose of the bill, as said item is for the year 1882. February 18th, 1885.

JOHN IRELAND,

Governor.

#### H. B. No. 15.]

#### CHAPTER 14.

An Act to amend sections 4 and 16 of an act entitled an act for the protection of the wool growing interests of the State of Texas, approved April 4, 1883.

Section 1. Be it enacted by the Legislature of the State of Texas: That sections 4 and 16 of an act entitled "An act for the protection of the wool-growing interests of the State of Texas, approved April 4, 1883," be amended so they shall hereafter read as follows to wit:

Section 4. The inspector shall be entitled to receive the sum of two cents per head unless otherwise provided in this act, for all sheep inspected under the provisions of this act; provided, the inspector shall be entitled to only one cent per head for any number he may inspect for any one person in excess of two thousand head; in no one case shall his fees exceed one hundred dollars, such fees to be paid by the owner or person in charge of the sheep inspected, provided, that when an inspector shall inspect any sheep and find no scab to exist in the flock inspected, then if he has inspected, on his own motion, he shall receive no fee, but if the inspection has been made, at the instance of others, then the party making the request, shall pay the fees; and provided further, that the inspector shall have a lien for his fee upon all sheep inspected by him and found to be diseased with scab; also, provided that if any owner or person in charge of sheep affected with scab report in writing to the county inspector or his deputy, that his sheep are so affected, and that he proposes to take means forthwith to cure the same, it shall not be lawful for the inspector to inspect such flock or receive any fees for the same within twenty days after said report; provided, the inspector in such cases shall prescribe limits for said flock; provided, that if after the expiration of the twenty days aforesaid, the inspector has received no notice in writing as hereinafter

provided, from the party in charge of said flock, that he has thoroughly dipped his flock to cure the same as proposed, then the inspector shall be entitled to receive from such parties in charge of such sheep the same fee as though he had inspected said flock, and found the same diseased, provided further, that no person shall be required to dip his ewe sheep if pregnant with lamb at any time within twenty days before or after lambing, but such person shall nevertheless be required to hold such sheep within the portion of county prescribed by the county inspector for such sheep to be held in during the time they are affected with scab.

Section 16. The counties of Grayson, Freestone, Gonzales, Cooke, Morris, Titus, Cass, Marion, Bowie, Red River, Trinity, San Jacinto, Polk, Anderson, Van Zandt, Cameron, Collin, Colorado, Grimes, Houston, Webb, Encinal, Hunt, Hopkins, Rusk, Ellis, Dallas, Rockwall, Denton and Fannin counties are hereby exempted from the operations of this law.

Approved February 20th, 1885.

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H. B. No. 35.]

## CHAPTER 15.

An Act to amend Article 4531, Chapter 2, of the Revised Statutes.

Section 1. Be it enacted by the Legislature of the State of Texas, That article 4531, chapter 2, of the Revised Statutes, be so amended as to hereafter read as follows:

Article 4531. There shall be elected at each general election, by the qualified voters of each justice's precinct, a constable for such precinct, who shall hold his office for the term of two years and until his successor is elected and qualified, provided, that where in any such justice's precinct there may be a city of eight thousand or more inhabitants, such constable may appoint no more than two deputies, who shall qualify as required of deputy sheriffs.

Approved February 20th, 1885.

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S. H. B. No. 48.]

## CHAPTER 16.

An Act to amend section 1, of an act entitled "An act to regulate the appointment and define the duties of notaries public, to require them to procure and use legal seals, and punish them for failing to do so; approved April 1, 1881."

Section 1. Be it enacted by the Legislature of the State of Texas: That section 1, of an act entitled "An act to regulate the appointment and define the duties of notaries public, to require them to procure and use legal seals, and punish them for failing to do so; approved April 1, 1881," be so amended as hereafter to read as follows:

Section 1. That there shall be appointed by the Governor, by and with the advice and consent of the Senate, a convenient

number of notaries public for each county in this State, who shall hold their office for the term of two years; provided, that the term of office of all notaries now holding shall expire on the first day of June, 1885, and that notaries public appointed during the present and all regular biennial sessions of the Legislature shall hold their offices for two years from the first day of June of the year in which said appointment was made; provided, that nothing in this act shall be so construed as to exempt notaries public from jury service.

Section 2. The fact that the office of notary public is one of general public convenience, and the further fact that appointments to this office can only be made during a session of the Senate, create an emergency and an imperative public necessity which require that the constitutional rule that bills be read on three several days be suspended, and that this act take effect from and after its passage; and it is so enacted.

I hereby certify that S. H. B. No. 48, originated in the House and passed the same Feb. 9th, 1885, by a two-thirds vote, ayes 77, nays 7.

A. D. SADLER,  
Chief Clerk House of Representatives.

I hereby certify that S. H. B. No. 48 passed the Senate February 11th, 1885, Ayes 22, nays 2.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved February 20th, 1885.

S. B. No. 230.]

## CHAPTER 17.

An Act to prevent the forfeiture of the rights of purchasers of Public Free School, University or Asylum land.

Section 1. Be it enacted by the Legislature of the State of Texas: That the failure of a holder of public free school, university or asylum land, under contract of purchase from the State, to make the annual payments of principal or interest thereon prior to the first day of August after the same becomes due shall not cause a forfeiture of the rights of such holder in such land.

Section 2. The near approach of the close of the session and the importance of this bill to many citizens of this State create an imperative public necessity and emergency authorizing the suspension of the constitutional rule requiring bills to be read on three several days and demanding that this act take effect from and after its passage, and it is so enacted.

I do hereby certify that the within S. B. No. 230 originated in the Senate and passed the same by a vote of 24 ayes, noes 0, February 19, 1885.

WM. NEAL RAMEY,  
Secretary of the Senate.

I do hereby certify that the within S. B. No. 230 passed the House by a vote of 79 ayes, noes 0, February 20, 1885

A. D. SADLER,

Chief Clerk House of Representatives.

Approved February 23d, 1885.

H. B. No. 116]

CHAPTER 18.

An Act to amend section 18 of an act entitled "An act to re-district the State into judicial districts, and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November 1884.

Section 1. Be it enacted by the Legislature of the State of Texas: That section 18 of an act entitled "An act to re-district the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts, at the next general election, to be held on the first Tuesday after the first Monday in November, 1884," be so amended as hereafter to read as follows:

Section 18. The eighteenth judicial district shall be composed of the counties of Johnson, Hill and Bosque, and the district courts therein shall be held as follows: In the county of Bosque, on the third Mondays in January and August, and may continue in session six weeks. In the county of Hill, on the sixth Monday after the third Mondays in January and August and may continue in session six weeks. In the county of Johnson on the twelfth Monday after the third Mondays in January and August, and may continue in session until the business is disposed of; provided, that said continuation shall not interfere with the terms of the court in the remaining counties of this district, as herein above provided for.

Section 2. All process heretofore issued or served returnable in any of the counties of said judicial district as heretofore prescribed by law, shall be considered as returnable at the times herein prescribed; and all such process is hereby legalized and validated, as if the same had been made returnable at the time herein prescribed.

Section 3. That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved February 23d, 1885.

S. H. B. No. 338.]

## CHAPTER 19.

An Act to re-enact section 28 of an act entitled "An act to re-district the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9th 1883," and to amend said section 28 of said act.

Section 1. Be it enacted by the Legislature of the State of Texas: That section 28 of an act entitled "An act to re-district the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said district at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9th, 1883," be and the same is hereby re-enacted, and that the said section 28 of said act be and the same is hereby amended, so as hereafter to read as follows:

Section 28. The twenty-eighth judicial district shall be composed of the counties of Webb, Encinal, Duval, Nueces, Zapata, Starr, Hidalgo and Cameron, and the district courts therein shall be held as follows:

In the county of Cameron on the first Monday in April and October, and may continue in session four weeks.

In the county of Hidalgo on the fourth Monday after the first Monday in April and October, and may continue in session two weeks.

In the county of Starr on the sixth Monday after the first Monday in April and October, and may continue in session two weeks.

In the county Zapata, on the eighth Monday after the first Monday in April and October, and may continue in session one week.

In the county of Webb, on the ninth Monday after the first Monday in April and October, and may continue in session five weeks.

In the county of Duval, on the fourteenth Monday after the first Monday in April and October, and may continue in session two weeks.

In the county of Nueces, on the sixteenth Monday after the first Monday in April and October, and may continue in session until the business is disposed of, not to exceed six weeks.

The unorganized county of Encinal is hereby attached to the county of Webb for judicial purposes.

Section 2. Be it further enacted, That all writs and process, civil and criminal, heretofore issued by or from the district courts in the several counties in said district and made returnable to the former terms of said courts, as said terms are now fixed by law, shall be returnable to the next ensuing terms of said district courts in each county as they are prescribed in this act; and all such writs or process that may be issued by or from said courts at any time within five days next before the holding of the next ensuing terms of said courts as prescribed herein, are hereby made returnable to the term or terms of said courts as the terms thereof are herein prescribed.

Section 3. Be it further enacted, That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Section 4. Be it further enacted, That the fact that the convenience of the people of the counties of the twenty-eighth judicial district, demands that the terms of the district court commence and be held under the provisions of this act creates an imperative public necessity and emergency for the suspension of the constitutional rule requiring all bills to be read on three several days, and the said rule is hereby suspended, and this act shall take effect and be in force from and after its passage.

I hereby certify that S. H. B. No. 338 originated in the House and passed the same February 23d, 1885, by a two-thirds vote, ayes 76, nays 0.

A. D. SADLER,

Chief Clerk House of Representatives.

I hereby certify that S. H. B. No. 338 passed the Senate February 25th, 1885, ayes 21, nays 0.

WM. NEAL RAMEY,

Secretary of the Senate.

Approved February 26th, 1885.

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H. B. 250.]

## CHAPTER 20.

An Act to amend section 34 of an act entitled "An act to re-district the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November 1884, approved April 9, 1883."

Section 1. Be it enacted by the Legislature of the State of Texas: That section 34 of an act entitled "An Act to re-district the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November 1884," approved April 9, 1883, be so amended as hereafter to read as follows:

Section 34. The thirty fourth judicial district shall be composed of the counties of El Paso, Pecos, Presidio and Reeves, and the district courts shall be held therein at the times as follows:

In the county of Reeves, on the first Mondays in March and September, and may continue in session two weeks.

In the county of Pecos, on the second Monday after the first Mondays in March and September, and may continue in session two weeks.

In the county of Presidio, on the fourth Monday after the first Mondays in March and September, and may continue in session three weeks.

In the county of El Paso, on the eighth Monday after the first Mondays in March and September, and may continue in session until the business is disposed of.



Section 2. That all writs and process returnable to said courts shall be returnable to the terms of said courts as herein fixed; and all such writs and process as have been issued, executed and returned, shall be as valid as if no change had been made in the time of holding said courts by the passage of this act.

Section 3. The fact that the laws now in force do not fix the times for holding district court in Reeves county creates an imperative public necessity that the rule requiring bills to be read on three several days be suspended, and it is suspended, and the importance of this bill taking effect before the March term of the district court in Reeves county as herein fixed, creates an emergency that this bill take effect and be in force from and after its passage, and it is so enacted.

I hereby certify that H. B. No. 250 originated in the House and passed the same February 21st, 1885, by a two-thirds vote; ayes 75.

A. D. SADLER,

Chief Clerk House of Representatives.

I hereby certify that H. B. No. 250 passed the Senate February 25th, 1885, by a two-thirds vote; ayes 23, nays none

WM. NEAL RAMEY,

Secretary of the Senate.

Approved February 27th, 1885.

H. B. No. 278.]

## CHAPTER 21.

### An Act to create the Nolan Land District.

Section 1. Be it enacted by the Legislature of the State of Texas: That the counties of Nolan and Fisher be and are hereby constituted the Nolan land district, and the county surveyor of Nolan county shall be the surveyor of said district; he shall keep his office at the county seat of Nolan county, and the records of all files and surveys of land in said district shall be kept in his office.

Section 2. It shall be the duty of the Commissioner of the General Land Office immediately after this act takes effect to furnish the district surveyor of said district with a certified copy of all maps, field notes and sketches of all surveys in said district, which shall be filed in the said surveyor's office, and shall be public archives thereof; and it shall be unlawful for said surveyor to make any surveys within said district, until said certified copies are received by him.

Section 3. The great distance which the county of Fisher is from the present surveyor, the inconvenience to which parties are put to have legal surveys made in said county, and the rapid settlement and development of the same requires that a convenient district be created so as to supply the public demands, therefore an imperative public necessity and an emergency exist requiring that the constitutional rule requiring bills to be

read on three several days be suspended, and that this bill be placed upon its immediate passage, and that it take effect from and after its passage, and it is so enacted. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

I hereby certify that H. B. No. 278 originated in the House and passed the same February 4th, 1885, by a two-thirds vote; ayes 79.

A. D. SADLER,

Chief Clerk House of Representatives.

I hereby certify that H. B. No. 278 passed the Senate February 25th, 1885.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved February 27th, 1885.

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H. B. No. 543]

CHAPTER 22.

An Act to prescribe the time of holding the District courts in the Twenty-First Judicial District.

Section 1. Be it enacted by the Legislature of the State of Texas: That the district courts in the twenty-first judicial district shall hereafter be held as follows:

In the county of Washington on the first Mondays in March and September, and may continue in session eight weeks.

In the county of Lee on the eighth Mondays after the first Mondays in March and September, and may continue in session three weeks.

In the county of Burleson on the eleventh Monday after the first Monday in March, and may continue in session five weeks; and on the eleventh Monday after the first Monday in September and may continue in session three weeks.

Section 2. That all laws and parts of laws in conflict with this act be and they are hereby repealed.

Section 3. The importance of providing sufficient time for the transaction of the business at the approaching spring term of the district court of Burleson county, creates an imperative public necessity and emergency, that the rule requiring this bill to be read on three several days in each House be suspended, and it is suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

I hereby certify that H. B. No. 543 originated in the House and passed the same February 26th, 1885, by a two-thirds vote; ayes 80.

A. D. SADLER,

Chief Clerk House of Representatives.

I hereby certify that H. B. No. 543 passed the Senate February 27th, 1885; ayes 26.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved March 4th, 1885.

H. B. No. 335.]

CHAPTER 23.

An Act to create and provide for the organization of the county of Midland.

Section 1. Be it enacted by the Legislature of the State of Texas: That a new county to be called "Midland county" is hereby established out of the following portion of Tom Green county. Beginning at a point on the north boundary line of Tom Green county, ninety (90) miles west from the north-east corner of said Tom Green county, running south thirty (30) miles; thence west thirty (30) miles; thence north thirty (30) miles to the north line of Tom Green county; thence east thirty (30) miles along the north line of Tom Green county to the place of beginning, containing nine hundred (900) square miles.

Section 2. That the expense of running and marking the new county lines thus to be created, shall be paid by the new county, and each person appointed to run and mark any line or lines of said new county, shall be allowed three (\$3.00) dollars per mile for each mile run.

Section 3. That it shall be the duty of the county commissioners court of Tom Green county within six (6) months after the enactment of this law to lay off and divide said new county into convenient precincts for the election of county officers, and also to designate convenient places in the new county where elections shall be held, all of which they shall cause a record to be made by the clerk, and a copy thereof shall be transmitted to the county judge of the new county when elected.

Section 4. That the county judge of Tom Green county immediately thereafter do order an election of county officers and for the selection of a county seat in said new county and appoint the presiding officers and managers and clerks of election, as is prescribed by law in other cases. The election returns shall be made to the county judge of Tom Green county, who shall issue certificates to the persons elected, and shall approve the bonds of such officers, and shall administer to them the oath of office.

Section 5. That the new county shall pay a pro rata share of the existing debt of the county of Tom Green, and there shall be set apart so much of the county tax levied and collected upon the property situated in the portion so taken from the county of Tom Green annually as shall be sufficient to speedily liquidate said existing debt or debts if any.

Section 6. That the county of Midland is hereby attached to the thirty-second judicial district, and courts shall be held in said county on the twentieth Mondays after the first Mondays in February and September, and may continue in session one week.

Section 7. That whereas, the fact that another regular session of the Legislature will not be held for two years, and the further fact that the present session is drawing to a close, and the isolated condition of the people of the proposed new county amounts to a practical denial of justice, creating an emergency and an imperative public necessity, which requires that the constitutional rule that bills be read on three several days be suspended, and it is so enacted.

I hereby certify that H. B. No. 335 originated in the House and passed the same February 21st, 1885, by a two-thirds vote; ayes 82, nays 2.

A. D. SADLER,

Chief Clerk House of Representatives.

I hereby certify that H. B. No. 335 passed the Senate February 28th, 1885, by a two-thirds vote; ayes 22, nays 1.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved March 4th, 1885.

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H. B. No. 232.]

CHAPTER 24.

An Act to authorize the county commissioners' courts to assume control of the streets and alleys of any city or incorporated town within their jurisdiction in which there is no de facto municipal government, and to have the same worked as public roads.

Section 1. Be it enacted by the Legislature of the State of Texas: That in all cities and incorporated towns in the State of Texas in which from any cause there is not a de facto municipal government in the active discharge of their official duties, the commissioners' court of the county in which such city or incorporated town is situated, shall assume and have control of the streets and alleys thereof, and shall have the same worked under the law and regulations for the working of public roads, and such streets and alleys for the purposes of this act shall be held and denominated public roads, provided, that all residents of any city or town, having no de facto city government, not otherwise exempt from road duty, shall be liable to road service as in other cases.

Section 2. All laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Section 3. That whereas, there are such cities and towns in this State which are without any municipal government, with their streets and alleys greatly in need of being worked, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

I hereby certify that H. B. No. 232 originated in the House and passed the same February 3d, 1885, by a two-thirds vote; ayes 79, nays 1.

A. D. SADLER,

Chief Clerk House of Representatives.

I hereby certify that H. B. No. 232 passed the Senate February 19th 1885; ayes 22, nays none.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved March 4th, 1885.

H. B. No. 136.]

CHAPTER 25.

An Act to amend chapter 79 of the acts of 1883, entitled "An Act to amend section 46 of an act to encourage stockraising and to protect stockraisers, approved April 22nd, 1879, and amended April 4th, 1881, and April 12th, 1883."

Section 1. Be it enacted by the Legislature of the State of Texas: That section 46 of the above recited act shall hereafter read as follows:

Section 46. That the counties of Anderson, Austin, Angelina, Bell, Bowie, Brazos, Burleson, Bastrop, Camp, Cass, Chambers, Cherokee, Collin, Colorado, Cooke, Dallas, Delta, Denton, Ellis, Fannin, Franklin, Falls, Galveston, Goliad, Grayson, Gregg, Grimes, Hardin, Harrison, Henderson, Hill, Hunt, Jackson, Jasper, Jefferson, Johnson, Kaufman, Lamar, Lee, Leon, Liberty, Madison, Marion, Montgomery, Morris, Nacogdoches, Newton, Orange, Panola, Parker, Polk, Rains, Red River, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Tarrant, Titus, Trinity, Tyler, Upshur, Van Zandt, Walker, Washington, DeWitt, Wise, Wood, Jack, Calhoun, Young, Wheeler, Lavaca, Oldham, Nueces, Bee, Refugio, Aransas, Limestone, San Patricio, Donley, Matagorda, and the unorganized counties attached to Wheeler, Oldham and Donley counties are hereby exempted from the operations of this act, and the provisions of the same shall in nowise relate or apply to the aforesaid counties, provided, that in those counties bordering on the lines of the State, except those bordering on Red River, whether organized or unorganized, the Governor shall appoint an inspector whose duty it shall be to inspect under the provisions of this act, all stock about to be driven or shipped out of the State or in any other county exempt from the operations of this act, where there is a depot or place for the shipment of cattle; provided, that such cattle shall not be subject to inspection on board of any railroad, unless the same have been placed on board of such train for the purpose of evading the provisions of this act, and provided further, that the counties of Limestone, Gonzales, McLennan, Bell, Calhoun, Navarro, Hood, Houston, Somervell, Bosque, Austin, Jackson, Victoria, Freestone, Coryell and Hamilton, shall be exempt from all laws regulating inspection of hides, and provided further, that the Governor is hereby authorized and required to appoint one inspector of animals for Freestone county, who shall hold his office until the next general election, and until his successor shall be elected and qualified.

Section 2. The Governor shall appoint inspectors in counties not exempt from the operations of this act which failed to elect such officers at the late general election.

Section 3. The near approach of the close of the session of

the 19th Legislature creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

I hereby certify that H. B. No. 136 originated in the House and passed the same February 10th, 1885.

A. D. SADLER,  
Chief Clerk House of Representatives.

I hereby certify that H. B. No. 136 passed the Senate February 25th, 1885; ayes 24, nays none.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved March 4th, 1885.

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S. B. No. 173.]

CHAPTER 26.

An Act to repeal article 4112 of the Revised Civil Statutes of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That article 4112 of the Revised Civil Statutes of Texas be and the same is hereby repealed.

Approved March 10th, 1885.

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S. H. B. No. 27.]

CHAPTER 27.

An Act to authorize the transfer of Occupation Licenses.

Section 1. Be it enacted by the Legislature of the State of Texas That any person, firm, corporation, or association of persons who shall be the legal owners or holders of any unexpired occupation license issued in accordance with the laws of this State, shall be and are hereby authorized to transfer the same on the books of the officer by whom the same was issued.

Section 2. The assignee or purchaser of such unexpired occupation license shall be authorized to pursue such occupation under such unexpired license for and during the unexpired term thereof; provided, that such assignee or purchaser shall, before following such occupation, comply in all other respects with all the requirements of the law provided for in original applications for such licenses; and provided further, that nothing in this act shall be so construed as to authorize two or more persons, firms, corporations or associations of persons, to follow the same occupation under one license at the same time; and provided further, that whenever any person, firm, corporation or association of persons following an occupation shall be closed out by legal process, the occupation license shall be deemed an asset of said person, firm, corporation or association of persons, and sold as

other property belonging to said person, firm, corporation or association, and the purchaser thereof shall have the right to pursue the occupation named in said license or transfer it to any other person, provided, such occupation license shall under no circumstances be transferred more than one time.

Section 3. Whereas, there are many persons holding unexpired occupation licenses, and are unable to follow such occupations; and whereas, it is manifestly just to permit such persons, or their assignees, to follow such occupation for the unexpired term of such licenses, therefore, the constitutional provision, requiring bills to be read on three several days, is hereby suspended, and this bill shall take effect and be in force from and after its passage.

I hereby certify that S. H. B. No. 27, originated in the House and passed the same January 23rd, 1885; ayes 86, nays 5.

A. D. SADLER,  
Chief Clerk House of Representatives.

I hereby certify that S. H. B. No. 27, passed the Senate February 25th, 1885; ayes 14, nays 10.

WM. NEAL RAMEY,  
Secretary of the Senate.

NOTE.—The foregoing bill was presented to the Governor on the 4th day of March for his approval, but was not approved by him or returned to the House in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon it became a law without his signature.

J. W. BAINES, Secretary of State.

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S. H. Bs. Nos. 13, 61, 64, 104, 161.]

## CHAPTER 28.

**An Act to amend section 71 of an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, title 78 of the Revised Civil Statutes of Texas as refer to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act, passed at the called session of the Eighteenth Legislature.**

Section 1. Be it enacted by the Legislature of the State of Texas, That section 71 of the above entitled act shall be so amended as to read as follows:

Section 71. The following counties shall be and the same are exempted from the district system provided for in this act, to wit: Anderson, Angelina, Aransas, Bastrop, Bosque, Bowie, Brazoria, Burleson, Calhoun, Caldwell, Cameron, Camp, Cass, Chambers, Concho, Delta, DeWitt, Duval, El Paso, Erath, Falls, Fannin, Fayette, Fort Bend, Franklin, Freestone, Frio, Gillespie, Goliad, Gonzales, Gregg, Grimes, Guadalupe, Hardin,

Harrison, Hays, Henderson, Hidalgo, Hopkins, Houston, Jackson, Jasper, Jefferson, Karnes, Lamar, La Salle, Lee, Liberty, Limestone, Marion, Mason, Matagorda, McMullen, Menard, Milam, Montgomery, Morris, Nacogdoches, Newton, Orange, Panola, Pecos, Polk, Presidio, Rains, Reeves, Red River, Refugio, Robertson, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Somervell, Starr, Stephens, Titus, Tom Green, Trinity, Tyler, Upshur, Van Zandt, Victoria, Waller, Washington, Webb, Wharton and Zapata.

Section 2. Whereas, there is no provision in some of the counties mentioned in section 1 of this act to pay for taking the census of the school districts, thus embarrassing the school system, which creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days, be, and the same is hereby suspended, and that this act shall take effect and be in force from and after its passage.

I hereby certify that S. H. Bs. Nos. 13, 61, 64, 104, 161, originated in the House and passed the same February 2nd, 1885, by a two-thirds vote; ayes 78.

A. D. SADLER,  
Chief Clerk House of Representatives.

I hereby certify that S. H. Bs. Nos. 13, 61, 64, 104, 161, passed the Senate February 10th, 1885; ayes 23.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved March 12th, 1885.

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S. B. No. 65.]                      CHAPTER 29.

An Act to amend Article 690, chapter 90 of the Penal Code, as amended April 4th, 1881.

Section 1. Be it enacted by the Legislature of the State of Texas: That article 690, chapter 90 of the Penal Code, as amended April 4th 1881, be so amended as to hereafter read as follows:

Article 690. If any person shall herd any drove of horses, mules, cattle, sheep, goats or hogs, numbering more than five head, upon any land not his own, and within one half mile of the residence of any citizen of this State, whenever the owner, lessee or legal representative of such land shall forbid such herding and shall fail, neglect or refuse to remove such drove at once upon request of such owner, lessee or legal representative, he shall be fined in any sum not exceeding one hundred dollars.

Approved March 13th, 1885.



H. B. No. 428.]

## CHAPTER 30.

An Act to amend article 4687 of the Revised Civil Statutes of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That article 4687 of the Revised Civil Statutes of the State of Texas, be so amended as to read as follows:

Article 4687. It shall be the duty of every railroad corporation in this State, to deliver a sworn statement on or before the first day of April in each year, to the assessor of the county in which its principal office is situated, setting forth the true and full value of the rolling stock of said railroad, together with the names of all the counties through which they run, and the number of miles of road bed in each of said counties, and the said assessment shall be submitted to the board of equalization, of the county in which its principal office is situated for review, as is provided by article 4715 of this code, and the other laws of this State in respect to boards of equalization, on the first Monday in June in each year, or as soon thereafter as practicable, and such board shall certify such final valuation when made, without delay, to the Comptroller of Public Accounts, who shall proceed at once to apportion the amount of such valuation among the said counties in proportion to the distance such road may run through any such county, and shall certify such apportionment to the assessors of such counties, and the same shall constitute part of the tax assets of such counties, and the assessor of each of said counties shall list and enter the same upon the rolls for taxation as other personal property situated in said county, provided that any railway company organized, and having its principal office without the State, and which may own or operate, as lessee or otherwise, any line of railroad, which is partly within the State and partly without, may render its rolling stock for taxation in the county where such company owning said railroad has established its office within this State, and a proportional part of such company's rolling stock shall be rendered and assessed for taxation within the State, according to the number of miles of such railway therein as compared with the number of miles without the State.

Section 2. Whereas, the time for rendering the statement provided for in this act is near at hand, this fact creates an emergency and an imperative public necessity exists, that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

I hereby certify that H. B. No. 428 originated in the House and passed the same, February 18th, 1885, by a two-thirds vote; ayes 84, nays 1.

A. D. SADLER,  
Chief Clerk House of Representatives.

I hereby certify that H. B. No. 428 passed the Senate March 12th, 1885; ayes 24, nays 1.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved March 17th, 1885.

S. B. No. 223.]

CHAPTER 31.

An Act to provide for the publication and binding of one thousand copies of the Revised Statutes and to make appropriation therefor.

Section 1. Be it enacted by the Legislature of the State of Texas: That the Secretary of State be and he is hereby authorized to have printed and bound one thousand copies of the Revised Statutes of the State of Texas from the plates of the former edition, now on deposit in his office, at a price not to exceed two dollars per copy.

Section 2. That the sum of two thousand dollars, or so much thereof as may be necessary, be and is hereby appropriated out of any moneys in the Treasury not otherwise appropriated to defray the expenses of said publication.

Section 3. The fact that former editions of the Revised Statutes have been exhausted by sale and otherwise creates an imperative public necessity and an emergency which demands the suspension of the constitutional rule that requires bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

I do hereby certify that the within S. B. No. 223 originated in the Senate and passed the same February 20th, 1885, by a vote of 23 ayes, 0 nays.

WM. NEAL RAMEY,  
Secretary of the Senate.

I do hereby certify that the within S. B. No. 223 passed the House March 14th, 1885, by a vote of 80 ayes.

A. D. SADLER,  
Chief Clerk House of Representatives.

Approved March 17th, 1885.

S. B. No. 210.]

CHAPTER 32.

An Act to amend section 8 of "An act establishing and prescribing the manner of ascertaining the boundaries of counties," approved April 22nd, 1879.

Section 1. Be it enacted by the Legislature of the State of Texas: That section 8 of "An act establishing and prescribing the manner of ascertaining the boundaries of counties," approved April 22nd, 1879, be so amended as to hereafter read as follows:

Section 8. That should the surveyors above provided for, fail to agree as to the true boundary line between their respective counties, the fact of such disagreement, with a full statement of the questions at issue between them, shall be by them reported to the county commissioners' court of their respective counties, and upon the filing of such report, either county shall have the right to institute suit in the district court of any county that

lies adjacent to either of such counties that is not interested in the result of the suit, and it shall be the duty of the district judge to hear evidence, send for persons and papers, and try said question of boundary in the same manner as is provided by law for the trial of the question of boundary line between different surveys of land; provided, that either county may appeal from the judgment of such court to the Supreme Court of the State of Texas, in the same manner as is provided in other civil causes; provided further, that the costs of said suit shall be paid by the unsuccessful county.

Approved March 18th, 1885.

S. B. No. 121.]

### CHAPTER 33.

An Act to amend section 35 of an act entitled "An act to redistrict the State into judicial districts, and to fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said district at the next general election to be held on the first Tuesday after the first Monday in November 1884," approved April 9th, 1883.

Section 1. Be it enacted by the Legislature of the State of Texas: That section 35 of an act entitled "An act to redistrict the State into judicial districts, and to fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said district at the next general election to be held on the first Tuesday after the first Monday in November 1884," approved April 9th 1883, be so amended as to hereafter read as follows, to wit:

Section 35. The thirty-fifth judicial district shall be composed of the counties of Brown, Callahan, Coleman, Comanche, Eastland, Shackelford and Stephens and the district courts shall be held therein as follows:

In the county of Comanche on the first Mondays in February and August, and may continue in session three weeks;

In the county of Brown on the third Monday after the first Mondays in February and August, and may continue in session three weeks;

In the county of Coleman on the sixth Monday after the first Mondays in February and August, and may continue in session two weeks;

In the county of Callahan on the eighth Monday after the first Mondays in February and August, and may continue in session two weeks;

In the county of Shackelford on the tenth Monday after the first Mondays in February and August, and may continue in session two weeks;

In the county of Stephens on the twelfth Monday after the first Mondays in February and August, and may continue in session two weeks;

In the county of Eastland, on the fourteenth Monday after the first Mondays in February and August, and may continue in session until the business is disposed of.

Section 2. All writs and process, civil and criminal, heretofore issued, or which may be issued up to the time this act takes effect, by or from the district courts in the several counties named in this act, which have not been returned at the time this act goes into effect, shall be returnable to the terms as herein named. That all grand and petit jurors who have been or who may hereafter be drawn for any other terms, than those named in this act, shall be summoned and appear at the terms herein indicated, and shall be as legal jurors, as if they had been drawn and summoned to appear at the terms named in this act.

Section 3. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Section 4. Whereas, by the existing laws the next terms of the district court of several counties in said district are not at proper times nor of proper length; and whereas, it will be of great convenience to the officers and attendants upon said courts to have the terms of said courts held at the times specified in this act, on and after the twelfth day of April, A. D. 1885; and whereas, this session of the Legislature will not adjourn in time to allow ninety days to intervene between the adjournment of the same and the twelfth day of April, A. D. 1885; therefore, an imperative public necessity and emergency exist which require that the constitutional rule requiring bills to be read on three several days be suspended and that this act should go into effect and be in force from and after the twelfth day of April, A. D. 1885, and it is so enacted.

I do hereby certify that the within S. B. No. 121, originated in the Senate and passed the same by a vote of 23 yeas, no nays, February 19th, 1885.

WM. NEAL RAMEY,  
Secretary of the Senate.

I hereby certify that the within S. B. No. 121, passed the House by a vote of 77 yeas, March 12th, 1885.

A. D. SADLER,  
Chief Clerk House of Representatives.

Approved March 18th, 1885.

H. B. No. 118.]

## CHAPTER 34.

An Act to further regulate the waiver of service and the confession of judgment in civil suits by adding after article 1347 of the Revised Statutes, an additional article to be known as 1347a.

Section 1. Be it enacted by the Legislature of the State of Texas: That article 1347a shall hereafter read as follows to-wit:

Article 1347a. The acceptance of service and waiver of process, provided for in article 1240 and the entry of appearance in open court as provided for in article 1241 or the confession of judgment as provided for in article 1347, shall not in any action be authorized by the contract or instrument of writing sued on,

or any other instrument executed prior to the institution of such suit, nor shall such acceptance or waiver of service be made until after suit brought.

Section 2. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Approved March 18th, 1885.

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S. H. B. No. 126.]

CHAPTER 35.

An Act to amend article 358 of chapter 3, title 11 of the Penal Code of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That article 358 of chapter 3, title 11 of the Penal Code of the State of Texas be so amended as to read as follows:

Article 358. If any person shall keep or exhibit, for the purpose of gaming, any gaming table, or bank of any name or description whatever, or any table or bank used for gaming which has no name, or any pigeon-hole table, or Jenny Lind table, or nine or ten-pin alley shall be considered as used for gaming if the table fees, or alley fees, or money, or any thing of value, is bet thereon, or shall be in any manner interested in keeping or exhibiting any such table, or bank, or nine or ten-pin alley, at any place he shall be punished by fine of not less than twenty-five nor more than one hundred dollars, and imprisonment in the county jail for not less than ten nor more than ninety days.

Approved March 19th, 1885.

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S. B. No. 25.]

CHAPTER 36.

An Act to abolish the office of Fish Commissioner, and to dispose of all fish ponds and other property connected with or belonging to the fish department.

Section 1. Be it enacted by the Legislature of the State of Texas: That the office of Fish Commissioner shall be and the same is hereby abolished; and the fish ponds now belonging to the State of Texas, together with all other property connected with said department, shall be taken charge of by the Superintendent of Public Buildings and Grounds, and shall be sold or leased by direction of the Governor at his discretion, at such time and in such manner as may be considered most advantageous to the State, and the proceeds arising from said sale to be paid into the treasury as a part of the general revenue.

Section 2. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Section 3. That before said ponds and fish are sold or leased five hundred of the carp fish therein shall be transferred to the ponds owned by the State at Terrell, Texas.

NOTE.—The foregoing act was presented to the Governor of

Texas for his approval on the 20th day of March, 1885, and was not signed by him nor returned to the House in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.

J. W. BAINES,  
Secretary of State.

S. B. No. 157

CHAPTER 37.

An Act to amend articles 1770, 1771, 1772, 1773, 1777 and 1780 of the Revised Statutes, so as to better regulate the law of escheats.

Section 1. Be it enacted by the Legislature of the State of Texas: That articles 1770, 1771, 1772, 1773, 1777 and 1780 of the Revised Statutes be so amended as to hereafter to read as follows, to wit:

Article 1770. If any person die seized of any real, or possessed of any personal estate, without any devise thereof, and having no heirs, or where the owner of any real or personal estate shall be absent for the term of seven years, and is not known to exist, such estate shall escheat to and vest in the State. Provided, that where no will is recorded or probated in the county where such property is situated within seven years after the death of the owner it shall be prima facie evidence that there was no will, and where no lawful claim is asserted to, or lawful acts of ownership exercised in such property for the period of seven years and this has been proved to the satisfaction of the court it shall be deemed prima facie evidence of the death of the owner and of the failure of heirs, and the court trying the cause may, if such evidence is not rebutted, find therefrom in favor of the State.

Article 1771. When the district or county attorney shall be informed or have reason to believe that an executor under the will of any person who has died without heirs and without having devised his estate, has not accepted the trust and that no administrator with the will annexed has been appointed; or where such attorney shall discover that no letters of administration on the estate of an intestate who has died without heirs have been granted; or where such attorney finds any estate, real or personal, in the condition specified in the next preceding article (1770) he shall file a petition in behalf of the State in the district court of the county where such property or any part thereof lies, which petition shall set forth a description of the estate, the name of the person last lawfully seized or possessed of the same, the names of the tenants or persons in actual possession if any, and the names of the persons claiming the estate, if any such are known to claim, and the facts or circumstances in consequence of which such estate is claimed to have escheated, praying for a writ of possession for the same in behalf of the State.

Article 1772. The clerk of the court shall issue citation as in other civil causes, for such of the defendants as shall be

alleged in the petition to hold possession of or claim such estate, requiring them to appear and answer at the next term of court.

Article 1773. The clerk shall also issue a citation, setting forth briefly the contents of the petition, for all persons interested in the estate to appear and answer at the next term of court, which citation shall be published as required in other civil suits.

Article 1777. If after the issue and trial it appears from the facts found or admitted that the State has good title to the estate, real or personal, in the petition mentioned, or any part thereof, judgment shall be rendered that the State shall be seized or possessed thereof, and at the discretion of the court, recover costs against the defendants. Provided, that whenever judgment is rendered in favor of the State, whether by default or after trial upon the merits, a writ of possession shall be awarded as in other civil suits.

Article 1780. A writ shall be issued to the sheriff or any constable of the proper county commanding him to seize such estate vested in the State; and if the same be personal property or real estate he shall dispose of the same at public auction in the manner provided by law for the sale of property under execution, and the proceeds, less the costs of court and attorneys' commissions, be paid into the treasury of the State; provided that no real estate shall be sold by the sheriff or constable at less than the minimum price to be fixed by the judge before whom the cause was tried, said minimum valuation to be distinctly stated in the advertisement, and should there be on the day of sale no bona fide bid for as high an amount as the valuation fixed by the judge before whom the cause was tried there shall be no sale, and the writ shall be immediately returned to the court issuing the same; and thereafter said real estate may be sold by the Attorney-General in the same manner as lands bid in by the State under authority of the act of July 4th, 1879, entitled "An act to better provide for and facilitate the collection of all judgments in favor of the State or any county thereof" are now sold by that officer.

Section 2. Owing to the urgent necessity of the provisions of this act and the amount of business now pending before the Legislature there is an imperative public necessity for suspending the constitutional rule requiring bills to be read on three several days and an emergency exists requiring this act to be in force from and after its passage, and it is so enacted.

I do hereby certify that the within S. B. No. 157 originated in the Senate and passed the same by a vote of 22 ayes, no nays, February 14, 1885.

WM. NEAL RAMEY,  
Secretary of the Senate.

I do hereby certify that the within S. B. No. 157 passed the House by a vote of 76 ayes, no nays, March 21, 1885.

A. D. SADLER,  
Chief Clerk House of Representatives.

Approved March 24th, 1885.

H. B. No. 241.]

## CHAPTER 38.

An Act to amend section 40 of an act entitled "An act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, of title 78 of the Revised Civil Statutes of Texas, as refer to public free schools outside of incorporated cities and towns, assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act," passed February 4, 1884.

Section 1. Be it enacted by the Legislature of the State of Texas: That section 40 of an act entitled "An act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 3, of title 78 of the Revised Civil Statutes of Texas, as refer to public free schools outside of incorporated cities and towns, assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act," passed February 4, 1884, be so amended as hereafter to read as follows:

Section 40. The scholastic census shall be taken by the district trustees or one of them, under the supervision of the county judge, of all children in their district, between the ages of eight and sixteen years, giving name, age, color, sex, and the name of the parent or guardian, as may be directed by the State Superintendent of Public Instruction, and return the said list to the county judge by the first Monday in June in each year, and the trustee or trustees so taking said census shall be paid the same compensation therefor as is hereinafter provided for assessors for like services and in the same manner. The county judge shall by the first Monday in June thereafter aggregate the whole number of children in the county and make an abstract in duplicate thereof, one to be filed with the county clerk, and the other forwarded by him to the State Superintendent; said census rolls shall be sworn to by the trustee or trustees taking the census, and said abstracts by the county judge before any officer authorized to administer oaths.

Section 2. Whereas, there is no law now in force providing any compensation for the officers authorized by law to take the scholastic census in counties wherein the public free schools are operated under the district system, an imperative public necessity and emergency exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this act be in force and take effect from and after its passage, and it is so enacted.

I hereby certify that H. B. No. 241 originated in the House and passed the same March 4, 1885, by a two-thirds vote, ayes 95.

A. D. SADLER,  
Chief Clerk House of Representatives.

I hereby certify that H. B. No. 241 passed the Senate March 18, 1885, by ayes 21, nays none.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved March 24th, 1885.



H. B. No. 538.]

## CHAPTER 39.

An Act to amend section 25 of "An act to re-district the State into judicial districts and fix the time for holding court therein, and to provide for election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884."

Section 1. Be it enacted by the Legislature of the State of Texas: That section 25 of the above recited act shall be so amended that the same shall hereafter read as follows:

Section 25. The twenty-fifth judicial district shall be composed of the counties of Lavaca, Gonzales, Guadalupe, Wilson and Colorado, and the district court shall be held therein as follows:

In the county of Lavaca, on the first Mondays in February and August and may continue in session four weeks;

In the county of Colorado on the fourth Mondays after the first Mondays in February and August, and may continue in session four weeks;

In the county of Gonzales on the first Monday in January and on the third Monday in June of each year and may continue in session four weeks;

In the county of Guadalupe on the thirteenth Mondays after the first Mondays in February and August, and may continue in session four weeks;

In the county of Wilson on the seventeenth Mondays after the first Mondays in February and August and may continue in session two weeks; provided, that the first term of said court to be held in and for Gonzales county under this act shall begin on the third Monday in June 1885 and continue in session four weeks; provided further, that all writs and processes returnable to said court of Gonzales county, shall be returnable to the terms as herein defined and all such writs and processes as have been or may be issued, executed and returned, shall be as valid as if no change had been made in said court by the passage of this act.

Section 2. Whereas, the best interest of the people concerned creates an imperative public necessity and emergency, that the constitutional rule requiring bills to read on three several days be suspended, and that this act take effect and be in force from and after the first day of May 1885, and it is so enacted.

I hereby certify that H. B. No. 538 originated in the House and passed the same March 12th, 1885, by a two-thirds vote, ayes 73, nays 2.

A. D. SADLER,

Chief Clerk House of Representatives.

I hereby certify that H. B. No. 538 passed the Senate March 18th, 1885, ayes 21, nays none.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved March 24th, 1885.

S. B. No. 244]

CHAPTER 40.

An Act to create the Hardeman land district.

Section 1. Be it enacted by the Legislature of the State of Texas: That the counties of Hardeman, Cottle and Motley be and the same are hereby constituted the Hardeman land district and the county surveyor of Hardeman county shall be the surveyor for said district and he shall keep his office in the county site of Hardeman county, and the record of all files and surveys of lands in said district shall be kept in his office.

Section 2. It shall be the duty of the Commissioner of the General Land Office immediately after this act takes effect to furnish the district surveyor of said district with a certified copy of all maps, field notes and sketches of all surveys in said district not heretofore recorded therein which shall be filed in said surveyor's office and shall be public archives.

Section 3. The great distance from some portions of Motley county to a surveyor's office and the inconvenience to which parties desiring surveys to be made are put create an imperative public necessity and an emergency exists requiring that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, that this act take effect from and after its passage, and it is so enacted, and that all laws and parts of laws in conflict herewith be and the same are hereby repealed.

I hereby certify that the within S. B. No. 244 originated in the Senate and passed the same by a vote of 24 ayes, no nays, February 28, 1885.  
WM. NEAL RAMEY,  
Secretary of the Senate.

I hereby certify that the within S. B. No. 244 passed the House by a vote of 76 ayes, nays 0, March 21, 1885.

A. D. SADLER,  
Chief Clerk House of Representatives.

Approved March 24th, 1885.

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S. B. No. 238.]

CHAPTER 41.

An Act to create the Webb land district.

Section 1. Be it enacted by the Legislature of the State of Texas: That the counties of Encinal and Webb be and the same are hereby constituted the Webb land district, and the county surveyor of Webb county shall be the surveyor of said district; he shall keep his office at the county seat of Webb county and the record of all files and surveys of land in said district shall be kept in his office.

Section 2. It shall be the duty of the Commissioner of the General Land Office immediately after this act takes effect to

furnish the district surveyor of said district with a certified copy of all maps, field notes and sketches of all surveys in said district, not heretofore recorded therein, which shall be filed in the said surveyor's office and shall be public archives thereof.

Section 3. The great distance which parts of Encinal county are from the present surveyors, the inconvenience to which parties are put to have legal surveys made in said county require that a convenient district be created so as to supply the public demands, therefore an imperative public necessity and an emergency exist requiring that the constitutional rule which requires bills to be read on three several days be suspended, and the same is so suspended, that this act take effect from and after its passage, and it is so enacted, and that all laws and parts of laws in conflict herewith be and the same are hereby repealed.

I do hereby certify that the within S. B. No. 238 originated in the Senate and passed the same by a vote of 25 ayes, no nays, February 26, 1885.

WM. NEAL RAMEY,  
Secretary of the Senate.

I do hereby certify that the within S. B. No. 238 passed the House by a vote of 76 ayes, no nays, March 21, 1885.

A. D. SADLER,  
Chief Clerk House of Representatives.

Approved March 24th, 1885.

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H. B. No. 314.]

CHAPTER 42.

An Act relating to and regulating the investment of the permanent public free school and other funds; to guard against any loss of such funds in making investments thereof, and to provide further evidence of the validity of bonds and securities purchased therewith, making the certificate of the Attorney-General or other specified acts evidence of the validity of such bonds or securities, and to fix the jurisdiction and venue of suits thereon.

Section 1. Be it enacted by the Legislature of the State of Texas: That hereafter when any county bonds are offered for sale as an investment for the permanent public free school funds of the State and the same are desired for such investment, the party offering and proposing to sell such bonds shall first submit them to the Attorney-General of the State who shall carefully inspect and examine the same in connection with the law under which they were issued, and shall diligently inquire into all the facts and circumstances so far as may be necessary to determine the validity thereof, and upon being satisfied that such bonds were issued in conformity with law, and that they are valid and binding obligations upon the county, by which they purport or appear to have been issued, he shall thereupon so certify, and his certificate to that effect so procured by the party offering such bonds for sale, shall be submitted to the Comptroller or Board of Education with the bonds so offered

for sale; and should the same be purchased as an investment for the permanent public free school fund from the county issuing the same, or from any person authorized by said county to act for it in the negotiation or sale of such bonds, they shall thereafter be held in every action, suit or proceeding in which their validity is or may be called in question, to be valid and binding obligations of the county issuing the same, and in every such action the certificate of the Attorney-General, as aforesaid, (which shall be carefully preserved by the Comptroller), shall be admitted and received as evidence of the validity of the bonds, and coupons thereto, which may have been so purchased.

Section 2. Nothing in the preceding section shall be so construed as to relieve the Comptroller or Board of Education from the duty of a careful examination of any bonds offered as an investment for the permanent public free school funds of the State, an investigation of the facts tending to show the value and validity thereof, and such Board of Education may decline to purchase the same, unless satisfied that they are a safe and proper investment for such bonds; and no county bonds shall be purchased as an investment for the permanent public free school fund that do not bear interest at the rate of at least six per cent per annum, nor shall the amount paid for any such bond exceed the par or face value thereof, and it shall be the duty of the Board of Education and Comptroller to decline to purchase the bonds of any county whose indebtedness, inclusive of the bonds so offered, shall exceed five per cent of the assessed value of the real estate in such county, and if default be made in the payment of interest when due upon any such bonds, the Board of Education may, at any time prior to the payment of such over-due interest, elect to treat the principal as also due, and the same shall thereupon, at the option of the Board of Education, become due and payable, and the payment of both such principal and interest shall in all cases be enforced in such manner as is or may be provided by law, and the right to enforce such collection shall never be barred by any law or limitation whatever.

Section 3. In all cases where the proceeds of the sale of any bonds have been received by the proper officers of the county, or by the party acting for it in negotiating the sale thereof, such county shall be thereafter estopped from denying the validity of such bonds so issued, and the same shall be held to be valid and binding obligations of the county, and in any action upon such bonds or coupons thereto, judgment shall be rendered against the county for the amount of the bonds sued on and interest thereon at the rate mentioned therein, deducting such amounts, if any, as have been previously paid thereon.

Section 4. The payment of any interest upon any bonds heretofore purchased, or that may hereafter be purchased with public school funds, or belonging thereto, shall be deemed and held a waiver of any supposed error, irregularity or want of authority, affecting or tending to affect the validity of any such bonds; and the same shall thereafter be held to be valid and binding obligations upon the county by which they appear or purport to have been issued, notwithstanding any such supposed error, irregularity or want of authority as aforesaid.

Section 5. The district court of Travis county shall have jurisdiction of any suit upon bonds or obligations belonging to the permanent public school funds, or purchased therewith, concurrent with that of any other court having jurisdiction in such case.

Section 6. The provisions of this act shall extend to any bonds or securities other than the bonds of this State or of the United States, in which the public school funds are or may hereafter be invested, as now or hereafter authorized or prescribed by law, and also to any bonds or securities purchased with any of the permanent funds set apart for the support, maintenance and improvement of any of the asylums or other institutions of this State.

Section 7. The fact that there is no statute regulating the investment of the public free school and other funds, and that county bonds and other securities are nevertheless being offered and purchased therewith, creates an imperative public necessity and emergency, justifying a suspension of the rule requiring bills to be read on three several days, and it is so suspended, and that this act take effect and go into force from and after its passage, and it is so enacted.

I hereby certify that H. B. No. 314 originated in the House, and passed the same March 3d, 1885, by a two-thirds vote, ayes 76, nays 3.

A. D. SADLER.

Chief Clerk House of Representatives.

I hereby certify that H. B. No. 314 passed the Senate March 19th, 1885.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved March 24th, 1885.

H. B. No. 549.]

## CHAPTER 43.

An Act to amend an act entitled "An act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts, at the next general election to be held on the first Tuesday after the first Monday in November, 1884," approved April 9, 1883.

Section 1. Be it enacted by the Legislature of the State of Texas: That section 17 of an act entitled "An act re-district the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts, at the next general election, to be held on the first Tuesday after the first Monday in November, 1884;" approved April 9, 1883, to be so amended as to hereafter read as follows:

Section 17. The seventeenth judicial district shall be composed of the counties of Parker and Tarrant, and the district courts therein shall be held as follows: In the county of Parker

on the first Mondays in February and August, and may continue in session six weeks; in the county of Tarrant on the sixth Monday after the first Monday in February, on the third Monday in May, on sixth Monday after the first Monday in August, and on third Monday in November, and may continue in session until business is disposed of.

Section 2. All writs and processes, civil and criminal, heretofore issued, or which may be issued up to the time this act goes into effect, from courts in said district, and made returnable to the terms of said courts as fixed by law, now or heretofore existing, shall be returnable to the next ensuing terms of said district courts as fixed by this act, and are hereby legalized and validated to all intents and purposes as much so, as if the same had been made returnable to the terms fixed herein.

Section 3. Any district court which may be in session at the time this act takes effect, under any law now in force, may continue in session until the first term of court as fixed by this act, and all acts done by such court in the premises shall be legal and binding, as much so as if this act was not in force; and whereas, the near approach of the close of the session creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

Approved March 24th, 1885.

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H. B. No. 133.]

CHAPTER 44.

An Act to amend chapter 3, article 4405, relating to service on public roads.

Section 1. Be it enacted by the Legislature of the State of Texas: That article 4405, chapter 3, Revised Statutes, shall be so amended as to read hereafter as follows:

Article 4405. All male persons between the ages of eighteen and forty-five years, shall be liable, and it is hereby made their duty to work on, repair and clean out the public roads under provisions and regulations of this title, except ministers of the gospel in the active discharge of their ministerial duties, invalids, members of any company of volunteer guards organized under provisions of the title "militia," and the members of all volunteer fire companies in the active discharge of their duties as firemen, who shall be exempt.

Approved March 24th, 1885.

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H. B. No. 331.]

CHAPTER 45.

An Act to establish and define the boundaries of the county of Webb, and legalize certain acts of the officers of said county.

Section 1. Be it enacted by the Legislature of the State of Texas: That the boundaries of the county of Webb shall be as follows: Beginning on the left margin of the Rio Grande river

at the mouth of the canon or arroya of San Andres, being the lower line of the ancient jurisdiction of the town of Laredo, thence following the northwest boundary line of the county of Zapata to the southwest corner of the county of Encinal; thence due north with the west line of Encinal and LaSalle counties to the southeast corner of Dimmitt county; thence west with the south line of Dimmitt and Maverick counties to the Rio Grande, thence down said river with its meanders to the place of beginning.

Section 2. Be it further enacted, That all official acts heretofore done or performed by the surveyor and other officers of said Webb county within the territory included in the boundaries defined in section one of this act, be and the same are hereby validated and declared legal and binding and be respected by the officers of this State.

Section 3. Be it further enacted, That all laws and parts of laws in conflict with this act be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

I hereby certify that H. B. No. 331 originated in the House and passed the same March 3d, 1885, by a two-thirds vote, ayes 75.

A. D. SADLER.

Chief Clerk House of Representatives.

I hereby certify that H. B. No. 331 passed the Senate March 19th, 1885.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved March 24th, 1885.

H. B. No. 248.]

## CHAPTER 46.

An Act making an appropriation to pay the mileage and per diem of the Presidential Electors of the State of Texas for the year 1884.

Section 1. Be it enacted by the Legislature of the State of Texas: That the sum of one thousand one hundred and fifty-two dollars and twenty cents, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to pay the mileage and per diem of the presidential electors of the State of Texas for the year 1884.

Section 2. That the certificate of the Secretary of State, shall be sufficient evidence to the Comptroller, upon which he shall audit the claims of each elector, and draw his warrant upon the Treasurer in payment of same.

Section 3. Whereas, the presidential electors of the State of Texas have performed the duties required of them by law, and public policy requires their immediate payment; therefore, an emergency exists that this law take effect and be in force from and after its passage, and it is so enacted.

I hereby certify that H. B. No. 248 originated in the House and passed the same February 28th, 1885, by a two-thirds vote, ayes 76.

A. D. SADLER.

Chief Clerk House of Representatives.

I hereby certify that H. B. No. 248, passed the Senate March 18th, 1885; ayes 21, nays none.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved March 24th, 1885.

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S. H. B. No. 109.]

CHAPTER 47.

An Act to require railroad companies to place and keep that portion of their road bed and right of way over or across which public county roads may run, in proper condition for the use of the traveling public.

Section 1. Be it enacted by the Legislature of the State of Texas: That it shall be the duty of every railroad company in this State to place and keep that portion of its road bed and right of way, over or across which any public county road may run, in proper condition for the use of the traveling public, and in case of its failure to do so for thirty days after written notice given to the section boss of the section where such work or repairs are needed by the overseer of such public road, it shall be liable to a penalty of ten dollars for each and every week such railroad company may fail or neglect to comply with the requirements of this act recoverable in any court having jurisdiction of the amount involved, in a suit in the name of the county in which the cause of action accrued. Such penalty shall go to the road and bridge fund of the county in which the suit is brought; and it shall be the duty of the county attorney, upon the making of an affidavit of the facts by any person, to at once institute against the company violating the provisions of this act, suit in the proper court to recover such penalty or penalties, and his wilful failure or refusal to do so shall be sufficient cause for his removal from office, unless it is evident that such suit could not have been maintained. The proceedings under this act shall be conducted in the same manner as civil suits, and the county attorney attending to such suits shall be entitled to a fee in each case, of ten dollars, to be taxed as a part of the costs of the case; provided, that when two or more penalties are sought to be recovered in one and the same suit, but one such fee shall be allowed; and provided further, if the county be cast in the suit, no costs shall be charged against the county.

Whereas, the fact that many crossings are not in proper condition for the use of the public, and the further fact that this session is far spent, create an emergency and an imperative public necessity which require that the constitutional rule that bills be read on three several days be suspended, and it is so enacted.

Approved March 24th, 1885.



## H. B. No. 501.]

## CHAPTER 48.

An Act to amend section 9 of an act entitled "An act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys at the next general election to be held on the first Tuesday after the first Monday in November 1884," passed at the regular session of the Eighteenth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas: That section 9 of an act entitled "An act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884," passed at the regular session of the Eighteenth Legislature, be so amended as to read as follows:

Section 9. The ninth judicial district shall be composed of the counties of Chambers, Liberty, Hardin, San Jacinto, Polk and Angelina, and the district court therein shall be held as follows:

In the county of Chambers on the first Mondays in March and September, and may continue in session two weeks;

In the county of Hardin, on the sixth Mondays after the first Mondays in March and September, and may continue in session two weeks;

In the county of San Jacinto on the eighth Mondays after the first Mondays in March and September, and may continue in session five weeks;

In the county of Polk on the thirteenth Mondays after the first Mondays in March and September, and may continue in session five weeks;

In the county of Angelina on the eighteenth Mondays after the first Mondays in March and September, and may continue in session four weeks;

In the county of Liberty on the twenty-second Mondays after the first Mondays in March and September, and may continue in session four weeks.

Section 2. All writs and process returnable to the district courts of the several counties mentioned in this act shall be returnable to the several terms of said courts, respectively, begun and held under the provisions of this act, except as in this act is otherwise provided, and shall be as valid as if no change had been made in the times of holding said courts.

Section 3. This act shall take effect and be in force from and after the first day of August, 1885.

Approved March 24th, 1885.

H. B. No. 354.]

## CHAPTER 49.

An Act to restore to and confer upon the county courts of Atascosa, Young, Leon, Dimmitt, Montgomery, Llano and Burnet counties the civil and criminal jurisdiction heretofore belonging to said courts, under the Constitution and general statutes of the State, to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with the provisions of this act.

Section 1. Be it enacted by the Legislature of the State of Texas: That the county courts of the counties of Atascosa, Young, Leon, Dimmitt, Montgomery, Llano and Burnet shall hereafter have exclusive original jurisdiction in civil cases when the matter in controversy shall exceed in value two hundred dollars, and shall not exceed five hundred dollars, exclusive of interest and shall have concurrent jurisdiction with the district court of said counties when the matter in controversy shall exceed five hundred dollars, and not exceed one thousand dollars.

Section 2. Said county courts shall have appellate jurisdiction in civil cases over which the justices' courts have original jurisdiction, when the judgment of the court appealed from, or the amount in controversy shall exceed twenty dollars, and said county courts shall have power to hear and determine cases brought up from the justices' courts by certiorari under the provisions of the title of the Revised Civil Statutes relating thereto.

Section 3. The county judge of said counties shall have authority, either in term time or vacation, to grant writs of mandamus, injunction, sequestration, attachment, garnishment, certiorari and supersedeas and all other writs necessary to the enforcement of the jurisdiction of said court, and shall also have power to issue writs of habeas corpus in all cases in which the Constitution has not conferred the power on the district court or judge thereof.

Section 4. Said county courts shall have jurisdiction in the forfeiture and judgment of all bonds and recognizances taken in criminal cases, of which criminal cases said court has jurisdiction.

Section 5. Said county courts shall have exclusive original jurisdiction of all misdemeanors except misdemeanors involving official misconduct, and except cases in which the highest penalty of fine that may be imposed under the law may not exceed two hundred dollars; and said court shall also have appellate jurisdiction in criminal cases of which justices of the peace and other inferior tribunals of said county have original jurisdiction.

Section 6. The district court of said counties of Atascosa, Young, Leon, Dimmitt, Montgomery, Llano and Burnett shall no longer have jurisdiction of cases of which the county courts of said counties, by the provisions of this act, have exclusive original or appellate jurisdiction, and it shall be the duty of the district clerk of said counties, within thirty days after the passage of this act to make a full and complete transcript of all orders on his docket, in cases now pending before said district court, of which cases by the terms of this act, exclusive jurisdiction is given the county court, and to deliver said transcript,

together with the original papers, and a certified bill of costs in each case to the clerk of said county courts herein named, and said county clerk shall enter said cases on his docket for trial by said county courts.

Section 7. The county courts of said counties shall hereafter hold their regular terms for civil and criminal business, as provided in the Constitution and general laws of the State, and all process heretofore issued from the district court of said counties, in cases to be transferred under this act to the county court, shall be returnable to the first term of the county court, and all civil cases so transferred shall be entered as appearance cases upon the docket of said county court.

Section 8. All laws in conflict with the provisions of this act are hereby repealed.

Section 9. This law, in so far as it applies to the county court of Montgomery county, shall go into effect and be in force from and after the first day of September A. D. 1885.

Section 10. The near approach of the end of the session, and the great number of bills pending consideration by the House creates an emergency and an imperative public necessity exists for the suspension of the rule requiring that bills be read on three several days, and it is so enacted.

Approved March 24th, 1885.

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H. B. No. 105.]

## CHAPTER 50.

An Act to create the county of Val Verde, and to provide for its organization.

Section 1. Be it enacted by the Legislature of the State of Texas: That a new county, to be called Val Verde county is hereby established out of the following portions of the counties of Kinney, Crockett and Pecos: beginning at the confluence of the Sycamore creek with the Rio Grande in Kinney county, thence up said creek with its thread and meanders to the north corner of league survey No. 201, patented to Bexar county school; thence north to a point where a line running west from the northwest corner of Edwards and the southwest corner of Kimble county would intersect said point; thence west to the Pecos river; thence south to the Rio Grande; thence down the Rio Grande with its meanders to the place of beginning.

Section 2. That it shall be the duty of the county commissioners' court of Kinney county, within ten days after the enactment of this law, to lay off and divide this new county into convenient precincts for the election of county officers and also to designate convenient places in the new county where elections shall be held, of all which they shall cause a record to be made by the clerk and a copy thereof shall be transmitted to the county judge of the new county when elected.

Section 3. That the county judge of Kinney county immediately thereafter shall order an election of county officers in said new county, and appoint the presiding officers and managers and clerks of election as is prescribed by law in other cases,

and shall also at the same time order an election for the location of the county seat of said new county, which shall be conducted in the same manner, regulating the election of the officers of such new county. The election returns shall be made to the county judge of Kinney county, who shall issue certificates to the persons elected, and shall approve the bonds of such officers, and shall administer to them the oath of office. He shall at the same time issue a certificate to the county judge of said new county, showing what place is elected as the county seat of the new county.

Section 4. That the new county shall pay a pro rata share of the existing debts of the counties from which it is created, and there shall be set apart so much of the county taxes levied and collected upon the property situated in the portions taken from the counties of Kinney, Crockett and Pecos annually as will be sufficient to speedily liquidate said existing debts, if any, and the said pro rata be based upon the value of the property taken from each of the parent counties respectively, for each year of the existence of the said debts, to be determined from the tax rolls of said counties, as made by their respective boards of equalization.

Section 5. That said county of Val Verde be attached to the 34th judicial district of the State of Texas for judicial purposes, and to the 27th Senatorial and the 81st Representatives districts and to the 11th Congressional district, for the purposes of representation.

Section 6. That all laws or parts of laws conflicting with the provisions herein contained shall be and the same are hereby repealed so far as relates to the county of Val Verde.

Section 7. Whereas, the several county commissioners courts from which this county is created are about to levy taxes for the present year, therefore, an emergency exists, and an imperative public necessity requires that the rule requiring that bills be read on three several days be suspended, and this act shall take effect and be in force after its passage, and it is so enacted.

I hereby certify that H. B. No. 105 originated in the House and passed the same February 13th, 1885, by a two-thirds vote, ayes 79, nays 2.

A. D. SADLER,

Chief Clerk House of Representatives.

I hereby certify that H. B. No. 105 passed the Senate March 20, 1885, by ayes 22, nays none.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved March 24th, 1885.

## S. S. B. No. 131.]

## CHAPTER 51.

An Act to amend article 3916 of the Revised Civil Statutes.

**Section 1.** Be it enacted by the Legislature of the State of Texas: That article 3916 of the Revised Civil Statutes be amended so as hereafter to read as follows:

Article 3916. All surveys represented upon the maps of the General Land Office, the field notes of which shall not be returned to the General Land Office, under the provisions of this chapter, and for which there are no titles on file in said office, shall be null and void, and be stricken from the maps of said office, when it is made to appear to the Commissioner of the General Land Office by the certificate of the county clerk of the county in which the land is situated, that there is no title to said survey on record in said county, and by the affidavit of two credible citizens of said county that the said land is not occupied by the owner nor by some person holding for him.

Approved March 24th, 1885.

## S. B. No. 260.]

## CHAPTER 52.

An Act to amend articles 1006, 1007 and 1008, of an act entitled "An act to amend articles 1006, 1007 and 1008 of the Revised Civil Statutes of the State of Texas, approved February 21, 1879," passed by the Eighteenth Legislature and approved April 9th 1883.

**Section 1.** Be it enacted by the Legislature of the State of Texas: That articles 1006, 1007 and 1008 of act to amend articles 1006, 1007 and 1008 of the Revised Statutes, approved April 9, 1883, shall hereafter read as follows:

Article 1006. Appeals and writs of error from the counties of Anderson, Bowie, Camp, Cass, Cherokee, Delta, Franklin, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood shall be returnable to the term of said court held at Tyler.

Article 1007. Appeals and writs of error from the counties of Aransas, Angelina, Austin, Bee, Brazoria, Burleson, Brazos, Calhoun, Cameron, Chambers, Colorado, DeWitt, Duval, Encinal, Fayette, Fort Bend, Freestone, Galveston, Goliad, Gonzales, Grimes, Harris, Hardin, Hidalgo, Houston, Jackson, Jasper, Jefferson, Lavaca, Leon, Liberty, Madison, Matagorda, Montgomery, Newton, Nueces, Orange, Polk, Refugio, San Jacinto, San Patricio, Starr, Trinity, Tyler, Victoria, Walker, Waller, Washington, Webb, Wharton and Zapata, shall be returnable to the term of said court at Galveston; provided that all cases from the county of Brazos pending in the Supreme Court and Court of Appeals at Austin and undetermined at the adjournment of the term of said courts, commencing on the first Monday in April, 1885, shall be transferred to Galveston, and shall

be entered upon the dockets of said courts at Galveston and shall be tried and determined in the same manner as if said cases had been originally made returnable to the term of said courts held at Galveston.

Article 1008. Appeals and writs of error from the counties of Anderson, Archer, Armstrong, Atascosa, Bailey, Bandera, Bastrop, Baylor, Bell, Bexar, Blanco, Borden, Bosque, Briscoe, Brown, Burnet, Caldwell, Callahan, Carson, Castro, Childress, Clay, Cochran, Coleman, Collin, Collingsworth, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crockett, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Denton, Dickens, Dimmitt, Donley, Eastland, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fisher, Floyd, Frio, Gaines, Garza, Gillespie, Gray, Grayson, Greer, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hartley, Haskell, Hays, Hemphill, Hill, Hockley, Hood, Howard, Hutchinson, Jack, Johnson, Jones, Karnes, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamar, Lamb, Lampasas, LaSalle, Lee, Limestone, Lipscomb, Live Oak, Llano, Lubbock, Lynn, Martin, Mason, Maverick, McCulloch, McLennan, McMullen, Medina, Menard, Midland, Milam, Mitchell, Montague, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Palo Pinto, Parker, Pecos, Potter, Presidio, Randall, Reeves, Roberts, Robertson, Runnels, San Saba, Scurry, Shackelford, Sherman, Somervelle, Stephens, Stonewall, Swisher, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Travis, Uvalde, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Wise, Yoakum, Young and Zavalla shall be returnable to the terms of said court held at Austin.

Section 2. The near approach of the close of the sesison, and the great press of business, rendering it improbable that this bill will be reached in its regular order, and the importance of this bill create an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and such rule is hereby suspended.

Approved March 26th, 1885.

H. B. No. 489.

CHAPTER 53.

An Act to amend chapter 6, title 8 of the Penal Code by adding article 259a.

Section 1. Be it enacted by the Legislature of the State of Texas: That chapter 6, title 8 of the Penal Code be amended by adding article 259a:

Article 259a. Should any member of the county commissioners' court of any county in this State, wilfully fail or refuse to attend any regular meeting or term of said court at which the business or question of levying a county tax for any purpose is to be acted on, he shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than two hundred nor more than five hundred dollars.

Section 2. Whereas, an imperative public necessity requires that the rule requiring bills to be read on three several days be

suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

I hereby certify that H. B. No. 489 originated in the House and passed the same March 14th, 1885.

A. D. SADLER,  
Chief Clerk House of Representatives.

I hereby certify that H. B. No. 489 passed the Senate March 21st, 1885, by ayes 18, nays 4.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved March 25th, 1885.

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H. B. No. 430.]

CHAPTER 54.

An Act to restrict the employment of sailors and crews of foreign vessels from rolling cotton, handling cargo or laboring on the wharves or levees of ports in the State of Texas beyond the end of the ship-tackle.

**Section 1.** Be it enacted by the Legislature of the State of Texas: That no sailor or portion of the crew of any foreign seagoing vessel shall engage in working on the wharves or levees of ports in the State of Texas beyond the end of the vessels' tackle.

**Section 2.** That any officer, sailor or member of the crew of a foreign sea-going vessel violating section 1 of this act, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in a sum not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail for not less than ten nor more than thirty days, or both in the discretion of the court or jury.

**Section 3.** Whereas, the near approach of the close of the session of the Legislature creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days; therefore said rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

I hereby certify that H. B. No. 430 originated in the House and passed the same March 12th, 1885.

A. D. SADLER,  
Chief Clerk House of Representatives.

I hereby certify that H. B. No. 430 passed the Senate March 25, 1885, by ayes 15, nays 9.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved March 26th, 1885.

S. B. No. 235.]

## CHAPTER 55.

An Act to authorize the several county commissioners' courts of the State of Texas to provide for more than four terms of the county court annually for the transaction of civil, criminal and probate business and fix the times at which all the terms of said courts may be held.

Section 1. Be it enacted by the Legislature of the State of Texas: That the county commissioners' courts of the several counties in this State may at a regular term thereof by an order entered upon the records of said courts provide for more terms of the county court for the transaction of civil, criminal and probate business and fix the times at which each of the four terms required by the Constitution and the terms exceeding four, if any, shall be held not to exceed six annually, and may fix the length of said terms, provided that when the commissioners' court shall have fixed the number of terms of the county court by an order entered of record said court shall not change the number of terms of the county court for one year from the date of the entry of the original order fixing the terms of the county court.

Section 2. That the action of the several county commissioners' courts of this State, stipulating the number of terms of the county court for the transaction of civil, criminal and probate business for their respective counties and fixing the times for holding of all the terms of said county courts, had under and in accordance with chapter twenty-three of the general laws of the State of Texas passed at the special session of the Eighteenth Legislature, be and are validated, legalized and made of the same force as if had under and by virtue of this act, and the several terms of the county courts held in accordance with the times specified and ordered by said county commissioners' courts, be and the same are hereby validated and made lawful terms of said county courts.

Section 3. The near approach of the close of the session, rendering it doubtful as to whether this act can pass in the regular course of legislation, and the fact that county courts are being continually held under the law now in force, create an imperative public necessity and emergency requiring the suspension of the constitutional rule which requires bills to be read on three several days and that this act take effect and be in force from and after its passage, and it is so enacted.

I do hereby certify that the within S. B. No. 235 originated in the Senate and passed the same by a vote of 22 yeas, 1 nay, February 25, 1885.

WM. NEAL RAMEY,  
Secretary of the Senate.

I do hereby certify that the within S. B. No. 235, passed the House by a vote of 71 yeas, 1 nay, March 24th, 1885.

A. D. SADLER,  
Chief Clerk House of Representatives.

Approved March 26th, 1885.



S. B. No. 165.]

## CHAPTER 56.

An Act to amend articles 4182 and 4190 of the Revised Civil Statutes of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That article 4182 of the Revised Civil Statutes of the State of Texas be so amended as hereafter to read as follows:

Article 4182. If such company and said owner can not agree upon the damages, it shall be the duty of said company to state in writing the real estate and property sought to be condemned, the object for which the same is sought to be condemned, the name of the owner thereof, and his residence if known, and file the same with the county judge of the county in which such property or a part thereof is situated; provided, if the owner resides in either county in which a portion of the land is situated, the same shall be filed in the county of his residence.

Section 2. That article 4190 be so amended as to read as follows:

Article 4190. When the property in controversy belongs to a non-resident of this State or to an unknown person, or to a person whose residence is unknown or who secretes himself so that the process of law cannot be served upon him, such notice may be served upon such owner by publication in the same manner as is provided for service of citation in article 1235 of the Revised Civil Statutes.

Approved March 26th, 1885.

S. B. No. 209.]

## CHAPTER 57.

An Act for the relief of Railway Companies.

Whereas, on account of the stringency of the money market which has rendered it impossible to raise the necessary funds, many railway corporations, chartered under the laws of the State, have failed, or will fail, without fault, to comply with articles 605 and 4278 of the Revised Statutes, requiring the construction and equipment of a certain number of miles of road annually, for which necessary grounds for forfeiture have arisen or will arise under the provisions of the said articles for the forfeiture of their corporate existence; and

Whereas, no good can result to the State from the forfeiture of their charters; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas: That all limitations as to the time within which any part of any railroad shall be constructed, contained in articles 605 and 4278 of the Revised Statutes, shall be suspended until January 1st, 1887, and the period of time within which any part of any road shall be constructed, equipped and put in good running order shall begin to run from said date.

Approved March 27th, 1885.

S. H. B. No. 148.]

CHAPTER 58.

An Act to amend articles 8 and 14 of an act entitled "An Act to re-district the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884," approved April 9th, 1883, to create the fortieth judicial district of the State of Texas, fix the times for holding court therein, and provide for the appointment of a district judge for said district.

Section 1. Be it enacted by the Legislature of the State of Texas: That sections 8 and 14 of an act entitled "An act to re-district the State into judicial districts, and fix the times for holding courts therein, and provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November 1884," approved April 9th 1883, be so amended as hereafter to read as follows:

Section 8. The eighth judicial district shall be composed of the counties of Hunt, Hopkins, Delta and Rains, and the district courts shall be held therein as follows:

In the county of Hunt, on the first Mondays in January and July, and may continue in session eight weeks;

In the county of Delta on the eighth Monday after the first Mondays in January and July, and may continue in session four weeks:

In the county of Hopkins on the twelfth Monday after the first Mondays in January and July, and may continue in session seven weeks;

In the county of Rains on the nineteenth Monday after the first Mondays in January and July, and may continue in session three weeks.

Section 14. The county of Dallas shall constitute the fourteenth judicial district, and the district courts shall be begun and held therein as follows: On the second Mondays in March, May, October and December, and may continue in session until the business is disposed of.

Section 2. The counties of Ellis, Rockwall and Kaufman shall be and the same are hereby constituted the fortieth judicial district, and the district courts shall be held therein as follows:

In the county of Ellis, on the first Mondays in March and September, and may continue in session eight weeks;

In the county of Rockwall on the first Mondays in May and November, and may continue in session three weeks;

In the county of Kaufman on the first Mondays in June and December, and may continue in session seven weeks.

Section 3. That immediately after the passage of this act the Governor shall appoint a suitable person as judge of the fortieth judicial district, who shall hold his office until the next general election held for State and county officers and until his successor shall be elected and qualified.

Section 4. All process heretofore issued or served returnable in any of the counties of said judicial districts as heretofore prescribed by law, shall be considered as returnable at the times

herein prescribed, and all such process is hereby legalized and validated as if the same had been made returnable at the time herein prescribed.

Section 5. That all laws and parts of laws in conflict with this act are hereby repealed.

Section 6. The near approach of the close of the session of the present Legislature, and the great need for the immediate changes in the terms of the courts mentioned in this act, and for the changes therein made in the judicial districts mentioned, creates an imperative public necessity and emergency, that requires that the constitutional rule requiring bills to be read on three several days be suspended and that this bill be placed upon its immediate passage, and that this act take effect and be in force from its passage, and it is so enacted.

I hereby certify S. H. B. No. 148 originated in the House and passed the same March 21st, 1885.

A. D. SADLER,  
Chief Clerk House of Representatives.

I hereby certify that S. H. B. No. 148 passed the Senate March 24, 1885, by ayes 25, nays 1.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved March 27th, 1885.

H. B. No. 79.]

## CHAPTER 59.

An Act to amend chapter 9 and section 1 of an act of the regular session of the Seventeenth Legislature, entitled "An Act authorizing the commissioners' courts of the several counties of the State to issue bonds for the erection of a court house, and to levy a tax to pay the same, approved February 11th, A. D. 1881, so as to include the issue of jail bonds, denominated as chapter 17 of the acts of the special session of the Legislature held in 1884," and to validate bonds issued under an act entitled "An act to amend chapter 9, section 1 of an act of the regular session of the Seventeenth Legislature entitled an act authorizing the county commissioners' court of the several counties of this State to issue bonds for the erection of a court house, and to levy a tax to pay for the same, approved February 11, 1881," so as to include the issue of jail bonds.

Section 1. Be it enacted by the Legislature of the State of Texas: That section 1 of chapter 17 of the acts of the special session of the Legislature passed in the year 1884, shall hereafter read as follows: That section 1 of chapter 9, of the laws of the regular session of the Seventeenth Legislature shall read as follows:

Section 1. The county commissioners court of any county is hereby authorized and empowered to issue the bonds of said county, with interest coupons attached, in such amount as may be necessary to erect a suitable building for a court house or jail, or both, said bonds running not exceeding fifteen years, and redeemable at the pleasure of the county, and bearing interest at a rate not exceeding eight per cent per annum; provided, that any county which may now have bonds outstanding, which

were issued to aid railroads, may issue such court house or jail bonds to run not exceeding twenty-five years, redeemable at the option of the county, and bearing interest at a rate not exceeding eight per cent per annum.

Section 2. All bonds issued by any county or counties under the provisions of an act entitled "An act to amend chapter 9 section 1 of an act of the regular session of the Seventeenth Legislature entitled an act authorizing the county commissioners' court of the several counties of this State to issue bonds for the erection of a court house, and to levy a tax to pay for the same, approved February 11, 1881, so as to include the issue of jail bonds," passed at the special session of the Eighteenth Legislature, shall be and are hereby fully validated and shall have the same force and effect as if issued under the provisions of this act.

Section 3. The fact that there are some counties in the State which have given subsidies to railroads, and are desirous of issuing bonds immediately to run for a longer period than is now authorized by law, for the purpose of building court houses, and jails, and the near adjournment of the Legislature, constitutes an emergency and the imperative necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

I hereby certify that H. B. No. 79 originated in the House and passed the same March 12th, 1885, by a two-thirds vote, ayes 71, nays 5.

A. D. SADLER,

Chief Clerk House of Representatives.

I hereby certify that H. B. No. 79 passed the Senate March 21st, 1885, by ayes 21, nays 3.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved March 27th, 1885.

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H. B. No. 343.]

CHAPTER 60.

An Act to amend the Revised Civil Statutes of the State of Texas, title 17, by adding thereto article 340b and to amend article 375 thereof.

Section 1. Be it enacted by the Legislature of the State of Texas: That the Revised Civil Statutes of the State of Texas, title 17, be and the same are hereby amended by adding thereto article 340b, which shall read as follows:

Article 340b. Any town or village within the limits of this State containing one thousand inhabitants or over may accept the provisions of this title in reference to cities and towns, in lieu of any existing charter of such town or village, by a two-thirds vote of the council of such town or village, which action, by the council of such town or village shall be had at a regular meeting thereof and entered upon the journal of their proceed-

ings, and a copy of the same signed by the mayor, and attested by the city clerk or secretary under the corporate seal, filed and recorded in the office of the clerk of the county court of the county in which such town or village is situated; and the provisions of this title in reference to cities and towns shall be in force with regard to said town or village, and all acts heretofore passed incorporating such town or village by virtue of chapter eleven of this title or otherwise, and which may be in force by virtue of any existing charter, shall be repealed from and after the filing of the said copy of their proceedings as aforesaid; and after the said filing, such town or village shall be known as a city or town, and shall have all the rights, privileges and powers of a city or town under this title, and shall be governed by the provisions hereof in reference to cities and towns.

Section 2. That article 375 of said Revised Civil Statutes be so amended as to read as follows:

Article 375. To have the exclusive control and power over the streets, alleys and public grounds and highways of the city, and to abate and remove encroachments or obstructions thereon, to open, alter, widen, extend, establish, regulate, grade, clean, or otherwise improve said streets; to put drains or sewers therein, and to prevent the encumbering thereof in any manner, and to protect the same from any encroachment or injury, and to regulate and alter the grade of premises, and to require the filling up and raising of the same; and such city council shall also have power to alter the grade of premises, and to require the filling up and raising of the same; and such city council shall also have power to alter or vacate the alley in any block of ground within the city, upon the written application of the owner of the block, or if there be more than one owner of such block, then upon the written application of all the owners thereof, uniting in such application, and such alley so vacated, shall thereupon revert to and become the property of the owner of the block of which it was a part, or if more than one, then to the owners of the adjoining lots therein, each extending to the centre of the alley so vacated.

Section 3. The condition and exigencies of many towns and villages in this State of one thousand inhabitants or over, create an imperative public necessity that the rule requiring the bills to be read on three several days be suspended and that this act shall take effect from and after the day of its passage, and it is so enacted.

I hereby certify that H. B. No. 343 originated in the House and passed the same March 11th, 1885, by a two-thirds vote; ayes 81.

A. D. SADLER,  
Chief Clerk House of Representatives.

I hereby certify that H. B. No. 343 passed the Senate March 24th, 1885, by ayes 22, nays 3.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved March 27th, 1885.

S. B. No. 8.]

CHAPTER 61.

An Act to amend chapter 2, article 566, of the Revised Civil Statutes.

Section 1. Be it enacted by the Legislature of the State of Texas: That chapter 2, article 566 of the Revised Civil Statutes of the State of Texas be so amended as hereafter to read as follows:

Article 566. The purpose for which private corporations may be formed are:

1. The support of public worship.
  2. The support of any benevolent, charitable, educational or missionary undertaking.
  3. The support of any literary undertaking, the maintenance of a library, or the promotion of painting, music or other fine arts.
  4. The encouragement of agriculture and horticulture by associations for the maintenance of public fairs and exhibitions of stock and farm products.
  5. The maintenance of a public or private cemetery.
  6. For the purchase, subdivision and sale of land in cities, towns and villages.
  7. The construction and maintenance of any species of road, except a railroad, and a bridge in connection therewith.
  8. The construction and maintenance of a bridge.
  9. The construction and maintenance of a telegraph or a telephone line.
  10. The establishment and maintenance of a ferry.
  11. The establishment and maintenance of a line of stages.
  12. The building and navigation of steamboats, and the carriage of persons and property thereon.
  13. The supply of water to the public.
  14. The manufacture and supply of gas, or of the supply of light or heat to the public by any means.
  15. The transaction of any manufacturing, mining, mechanical or chemical business.
  16. The transaction of a printing or publishing business.
  17. The establishment and maintenance of a hotel.
  18. The erection of buildings and the accumulation and loan of funds for the purchase of real property in cities, towns and villages.
  19. The transportation of goods, wares and merchandise, or any valuable thing.
  20. The promotion of immigration.
  21. The construction and maintenance of sewers.
  22. The construction and maintenance of a street railway.
  23. The erection and maintenance of market houses and market places.
  24. The construction and maintenance of canals for the purpose of irrigation or for manufacturing purposes.
- Approved March 27th, 1885.

S. H. B. No. 392.]

## CHAPTER 62.

An Act to restore to and confer upon the county court of Zapata county the criminal jurisdiction heretofore belonging to it under the Constitution and general statutes of the State of Texas, to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with the provisions of this act.

Section 1. Be it enacted by the Legislature of the State of Texas: That the county court of Zapata county shall hereafter have exclusive original jurisdiction of all misdemeanors except misdemeanors involving official misconduct, and except cases in which the highest penalty of fine that may be imposed under the law, may not exceed two hundred dollars; and shall, also, have appellate jurisdiction in criminal cases of which justices of the peace, and other inferior tribunals of said county, have original jurisdiction.

Section 2. Said county court shall have jurisdiction in the forfeiture and judgment of all bonds and recognizances taken in criminal cases, of which criminal cases said court has jurisdiction.

Section 3. The county judge of said county shall have authority, either in term time or vacation, to issue all writs necessary to the enforcement of the jurisdiction of said court, and to issue writs of habeas corpus in all cases in which the Constitution has not conferred the power on the district courts or judges thereof.

Section 4. The district court of said county of Zapata shall no longer have jurisdiction of cases of which the county court of Zapata county, by the provisions of this act, has exclusive original or appellate jurisdiction; and it shall be the duty of the district clerk of said county, within thirty days after the passage of this act, to make a full and complete transcript of all orders on their respective dockets in cases now pending before said district court, of which cases, by the terms of this act, exclusive jurisdiction is given to the county court, and to deliver said transcript, together with the original papers, and a certified bill of costs, in each case, to the clerk of said county court, and said county clerk shall enter said cases on the docket of the county court for trial by said county court.

Section 5. The county court of said county shall hereafter hold its regular term for criminal business as provided in the Constitution and general laws of the State of Texas for civil and criminal terms of county courts; and all process heretofore issued from the district court of said county in cases to be transferred under this act to the county court shall be returnable to the first term of the said county court thereafter.

Section 6. All laws in conflict with the provisions of this act are hereby repealed.

Section 7. The crowded condition of the docket of the district court of Zapata county creates an emergency and an imperative public necessity that the rule requiring bills to be read on three several days be suspended.

Approved March 28th, 1885.

H. B. No. 49.]

CHAPTER 63.

An Act to amend article 4686, title 95, chapter 2 of the Revised Civil Statutes.

**Section 1.** Be it enacted by the Legislature of the State of Texas: That article 4686 of the Revised Statutes of the State of Texas be and the same is hereby amended, so as to hereafter read as follows:

Article 4686. It shall be the duty of every railroad corporation in this State to deliver a sworn statement, on or before the first day of June of each year, to the assessor of each county and incorporated city or town, into or through which any part of their road may run or in which they own or are in possession of real estate, a classified list of all real estate owned by or in possession of said company in said county, town or city, specifying: 1st, the whole number of acres of land, lot or lots, exclusive of their right of way and depot grounds owned, possessed or appropriated for their use, with a valuation affixed to the same; 2nd, the whole length of their railroad and the value thereof per mile, which valuation shall include right of way, road-bed, superstructure, depots and grounds upon which said depots are situate, and all shops and fixtures of every kind used in operating said road; 3rd, all personal property of whatsoever kind or character, except the rolling stock belonging to the company or in their possession in each respective county listing and describing the said personal property in the same manner as is now required of citizens of this State.

Approved March 28th, 1885.

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S. B. No. 141.]

CHAPTER 64.

An Act to amend articles 29 and 30 of the Code of Criminal Procedure for the State of Texas.

**Section 1.** Be it enacted by the Legislature of the State of Texas: That articles 29 and 30 of the Code of Criminal Procedure for the State of Texas be so amended as hereafter to read as follows to wit:

Article 29. He shall report to the Governor biennially on the first Monday in December next preceding the expiration of his official term, and at such other times as the Governor may require, the number of indictments which have been found by grand juries in this State for the two preceding years; the number of informations filed in this State during the same period; the offenses charged in such indictments or informations; the number of trials, convictions and acquittals for each offense; the number of indictments and informations which have been disposed of without the intervention of a petit jury, with the cause and manner of such disposition; and also a summary of the judgments rendered on conviction, specifying the offense, the nature and amount of penalties imposed, and the amount of fines collected. This report shall also give a general summary



of all the business, civil and criminal, disposed of by the Supreme Court and Court of Appeals, so far as the State of Texas may be a party to such litigation, and of all civil causes to which the State is a party prosecuted or defended by him in any other courts, State or Federal.

Article 30. He may require the several district and county attorneys, clerks of the district and county courts in the State, to communicate to him at such times as he may designate, and in such form as he may prescribe, all the information necessary for his compliance with the requirements of the preceding article. And whenever the clerk of the district court of any county neglects or fails within thirty days after the adjournment of a term of his court to report to the Attorney General the proceedings thereof, the Comptroller shall thereafter, if notified of such failure, audit no more claims in favor of such clerk until receipt of such report by the Attorney General.

Section 2. The near approach of the close of the session of the Legislature, rendering it doubtful if this bill can be passed in its regular order, and the great importance of this measure create an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days should be suspended. and it is so suspended.

Approved March 28th, 1885.

S. B. No. 13.8]

## CHAPTER 65.

An Act to amend chapter 3 title 53 of the Revised Statutes by adding thereto article 2971a.

Section 1. Be it enacted by the Legislature of the State of Texas: That chapter 3 of title 53 of the Revised Statute shall be amended by adding thereto article 2971a, which shall read as follows:

Article 2971a. Nothing in this title shall be construed to affect or in any way apply to mutual relief associations organized and chartered under title 20 of the Revised Statutes, or which are organized under the laws of any other State, which have no capital stock, and whose relief funds are created and sustained by assessment made upon the members of said association in accordance with their several by-laws and regulations; provided, that the principal officer of every such benevolent organization (not conducted by lodges, a quorum of whose members meet in their respective lodge rooms at least once each month), shall be required to make an annual statement under oath to the Department of Insurance on the first day of January of each year, or within sixty days thereafter, showing:

1. Name of organization and where located.
2. Name and residence of officers.
3. The salary paid each officer.
4. The gross amount of money received during the year, and from what sources.
5. The amount paid to policy holders on assessments to pay losses.

6. The amount paid out for all other purposes, stating in detail what purpose.

7. Surplus in the treasury if any.

And should any such benevolent organization refuse or neglect to make an annual report as above required, it shall be deemed an insurance company conducted for profit to its officers, and amenable to the laws governing such companies.

Section 2. The press of business in both houses of the Legislature and the fact that this Legislature is soon to adjourn, rendering it doubtful whether this act can be read on three several days, create an imperative public necessity and an emergency requiring that the constitutional rule requiring this act to be read on three several days be suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

I do hereby certify that the within S. B. No. 138 originated in the Senate and passed the same by a vote of 23 yeas, 1 nay, February 26, 1885.

WM. NEAL RAMEY,  
Secretary of the Senate.

I do hereby certify that the within S. B. No. 138 passed the House by a vote of 71 yeas and 9 nays, March 26, 1885.

A. D. SADLER,  
Chief Clerk House of Representatives.

Approved March 28th, 1885.

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H. B. No. 85.]

CHAPTER 66.

An Act to amend articles 3164, 3165, 3166, 3171, 3173, 3176, 3178 and 3179, of title 61, chapter 2, of the Revised Civil Statutes of the State of Texas, relating to mechanics', contractors', builders' and material mens' liens.

Section 1. Be it enacted by the Legislature of the State of Texas: That articles 3164, 3165, 3166, 3171, 3173, 3176, 3178 and 3179 of the Revised Civil Statutes of the State of Texas, be so amended as hereafter to read as follows:

Article 3164. Any person or firm, lumber dealer, artizan or mechanic, who may labor or furnish material, machinery, fixtures or tools to erect any house or improvement, or to repair any building or improvement whatever under or by virtue of any contract with the owner or proprietor thereof, or his agent, trustee, contractor or contractors, upon complying with the provisions of this act, shall have a lien on such house, building, fixture or improvements, and shall also have a lien on the lot or lots of land necessarily connected therewith, to secure payment for labor done, lumber, material, machinery or fixtures and tools furnished for construction or repairs.

Article 3165. In order to fix and secure the lien herein provided for, it shall be the duty of every original contractor, within four months, and every journeyman, day laborer or other person seeking to obtain the benefit of the provisions of this arti-

cle, within thirty days after the indebtedness shall have accrued, to file his or their contract in the office of the county clerk of the county in which such property is situated and cause the same to be recorded in a book to be kept by the county clerk for that purpose; provided, that if such journeyman, day laborer or other person have no written contract, it shall be sufficient for them to file an itemized account of their claim, supported by affidavit showing that the account is just and correct, and that all just and lawful offsets, payments and credits have been allowed.

Article 3166. If there be no written contract, it shall be the duty of the person seeking to obtain the benefits of the provisions of this act to deliver to the clerk of the county court a sworn account of the demand due him or them after all just credits have been given, to be filed and recorded as provided for in written contracts, the following form will be sufficient to fix the lien contemplated in this article:

The State of Texas, {

\_\_\_\_\_ County. } A. B. affiant makes oath and says: that the annexed is a true and correct account of the labor performed (or material furnished) by him to and for C. D. of said county, and the prices thereof as set forth in the account hereto annexed are just and reasonable, and the same is unpaid; that said labor was performed, (or material was furnished or both) for said C. D. at the time in said account mentioned, under and by virtue of a contract between affiant and C. D.; and affiant further makes oath and says, that said C. D. was, at the time said contract was made or entered into, and said labor was performed (or materials furnished) the owner of the house or premises, and that said house (or improvements) is situated, or upon a certain lot or tract of land owned by said C. D. (here describe the premises) and this affiant claims a lien on the premises; provided, the affidavit shall not be held insufficient if it substantially complies with the above form.

Article 3171. The lien herein provided for shall attach to the buildings, erections, or improvements for which they were furnished, or the work was done, in preference to any prior lien or incumbrance, or mortgage upon the land, upon which said buildings, erections, improvements or machinery have been put or labor performed, and the person enforcing the same may have such building, erection or improvement sold separately; provided any lien, incumbrance or mortgage existing on the land or improvements at the time of the accrual of the lien herein provided for shall not be affected thereby.

Article 3173. Every sale must be upon judgment rendered by some court of competent jurisdiction, foreclosing such lien, and ordering sale of such property.

Article 3176. Every person, except the original contractor who may wish to avail himself of the benefit of the provisions of this act, shall give ten days notice in writing before the filing of the lien, as herein required, to the owner, owners or agent or either of them that he holds a claim against such building or improvements, setting forth the amount and from whom same is due; and thereafter said owner, owners or agent shall

be authorized to retain in his hands the amount claimed until the same has been settled or determined not to be due.

Article 3178. In all cases where a lien shall be filed under the provisions of this act by any person other than a contractor it shall be the duty of the contractor to defend any action brought thereupon at his own expense, and during the pendency of such action, the owner may withhold from the contractors the amount of money for which such lien shall be filed, and in case of judgment against the owner or his property upon the lien, he shall be entitled to deduct from any amount due by him to the contractor, the amount of such judgment and costs, and if he shall have settled with the contractor in full, he shall be entitled to recover back from the contractor any amount so paid by the owner for which the contractor was originally the party liable; and all sub-contractors, laborers, and material men shall have preference over other creditors, of the principal contractor to the extent of all money due them from the original contractor on account of labor done or material furnished, and the money due said original contractor from the person owning or having the improvements made shall not be garnished by other creditors to the prejudice of said sub-contractors, laborers or material men.

Article 3179. The liens for work and labor done or things furnished, as specified in this act, shall be upon an equal footing, without reference to the date of filing the account or lien, and in all cases where a sale shall be ordered, and the property sold, which may be described in any account or lien, the proceeds arising from such sale, if not sufficient to discharge all the liens against the same, without reference to the date of filing the account or lien, shall be paid pro rata on the respective liens; provided, such accounts or liens shall have been filed and suit brought as provided by this act; provided, in no case shall the owner be compelled to pay a greater sum for or on account of labor performed, or material, machinery, fixtures and tools furnished, as provided in article 3164, than the price or sum stipulated in the original contract between such owner and the original contractor for such house, building, fixtures, improvements or repairs.

Section 2. The near approach of the close of the session creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

Approved March 28th, 1885.

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S. B. No. 254.]

CHAPTER 67.

An Act requiring the Attorney-General to institute legal proceedings against corporations doing business within this State in violation of sections 5 and 6 article 10 of the Constitution of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That it shall be the duty of the Attorney-General of this State, and he is hereby required, immediately upon the taking effect of this act, to investigate what railway or other

corporations in this State are carrying on business within this State in violation of sections 5 and 6 article 10 of the Constitution of Texas.

Section 2. If upon investigation, the Attorney-General shall find that there is reason to believe, or that it is probable that any railway or other corporation is now carrying on business within this State in violation of sections 5 and 6 article 10 of the Constitution, he shall at once institute proceedings by quo warranto or otherwise, in the court having jurisdiction of the cause or causes, against any corporation violating said sections and article of the Constitution, and to enforce the penalties therefor.

Section 3. That the sum of five thousand dollars is hereby appropriated for the purpose of securing evidence and legal counsel to assist in enforcing the provisions of this act.

Section 4. If it shall be determined by the court or jury trying any cause instituted under the provisions of this act, that the said sections and article of the Constitution are being violated, then the court shall enter such decree as will perpetually enjoin such violation, and to the end of carrying into effect such constitutional provision, may appoint a receiver to take charge of the affairs of the defendant corporation until such time as the said corporation shall be reorganized and in condition to be operated within said provisions of the Constitution.

Section 5. Whereas, there are corporations in this State violating said sections of said article, and there being no law instructing the Attorney-General to institute proceedings against them, and no appropriation to employ assistant counsel and collect evidence in the prosecutions herein provided for, therefore an imperative public necessity and emergency exist that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage and it is so enacted.

I do hereby certify that the within S. B. No. 254 originated in the Senate and passed the same by a vote of 21 ayes, no nays, March 18, 1885.

WM. NEAL RAMEY,  
Secretary of the Senate.

I do hereby certify that the within S. B. No. 254 passed the House March 27, 1885, ayes 76, nays 2.

A. D. SADLER,  
Chief Clerk House of Representatives.

Approved March 28th, 1885.

H. B. No. 324.]

## CHAPTER 68.

An Act to compel railroads and other corporations to establish and maintain public offices in the State of Texas, and providing what books shall be kept thereat, and what said books shall contain, and requiring them to keep said books open for inspection, and to compel them to report to the Comptroller or Governor the true status of said corporations, and such other matters as may be required by said Governor or Comptroller, and providing appropriate penalties for a failure to comply herewith.

Section 1. Be it enacted by the Legislature of the State of Texas: That every railroad or other corporations organized or doing business in this State under the laws or authority thereof, shall have and maintain a public office in the locality where its principal business is carried on in this State for the transaction of its business, where transfers of stock shall be made, where the auditor, treasurer, general traffic manager and general superintendent of such roads, or where an agent of such corporation, duly authorized to adjust and settle all claims against such corporations for damages, shall have their respective offices, and where shall be kept for inspection of the stockholders of such corporation books in which shall be recorded: 1st, The amount of capital stock subscribed; 2nd, The names of the owners of the stock and the amounts owned by them respectively;

3rd, The amount of stock paid and by whom;

4th, The transfer of stock with the date of the transfer;

5th, The amount of its assets and liabilities;

6th, The names and places of residence of each of its officers; provided, that railroad corporations shall be required to keep such office at some place on the line of its road in this State.

Section 2. The directors of every railroad company shall hold one meeting annually at their office in this State; public notice of which shall be given at least thirty days before said meeting, said notice to be published in some daily newspaper printed and published in this State.

Section 3. The president or superintendent of every railroad company doing business in this State shall report annually under oath to the Comptroller or Governor the true status of said railroad and such other matters and things as may be inquired about by said Comptroller or Governor.

Section 4. The books of such corporation kept at its public office shall at all reasonable business hours be open to the inspection of each stockholder and to any officer or agent of the State whose duty it may be to inspect such books.

Section 5. The Legislature may, by committee or otherwise, examine the books of any railroad corporation at such times and as often as may by said Legislature be deemed necessary.

Section 6. It shall be unlawful for any railroad or other corporation to fail or refuse to comply with any of the provisions of this act, and if said railroad or other corporation shall fail or refuse to comply with any part thereof, it shall be liable to pay to the State of Texas the sum of one thousand dollars for each and every month that said rail-

road or other corporation shall fail or refuse to comply therewith, said sum to be recovered by the State in any court in this State of competent jurisdiction; provided that an honest mistake in the entries in its books shall not subject a railroad company to the penalties of this section, if the office of said company shall be kept in this State in compliance with this act.

Section 7. It shall be the duty of the Attorney-General of this State to bring suits against said corporations and prosecute them to judgment for any violation of the provisions of this act.

Section 8. All railroads within this State shall have six months after this act goes into effect, within which time to comply with the provisions hereof.

Approved March 28th, 1885.

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S. B. No. 248.]

CHAPTER 69.

An Act to amend articles 2725 and 2726 of the Revised Statutes.

Section 1. Be it enacted by the Legislature of the State of Texas: That articles 2725 and 2726 shall hereafter read as follows:

Article 2725. The Secretary of State shall deliver by mail or otherwise to each justice of the Supreme Court, each judge of the Court of Appeals, each judge of the circuit and district courts of the United States for the district of Texas, each district judge, the Attorney General and each county judge for the use of the courts of his county, a copy of each volume of the reports of the Supreme Court, and Court of Appeals hereafter issued.

Article 2726. The following officers shall be entitled to receive one copy each of all general and special laws hereafter passed by the Legislature, to wit: The Governor and heads of departments, each member of the Legislature, the judges of the several courts throughout the State, and the clerks of said courts, and each county attorney. The following officers shall be entitled to receive one copy each of all general laws hereafter passed by the Legislature, to wit: County attorney, county treasurer, county surveyor, sheriff, assessor of taxes, collector of taxes, inspector of hides and animals, justice of the peace, constable and county commissioner.

Section 2. The near approach of the close of the session, and the fact that there are a great many bills before the Legislature to be acted upon, and the necessity for the passage of this bill at the present session, create a public necessity requiring the suspension of the rule requiring bills to be read on three several days, and it is so suspended.

Approved March 30th, 1885.

S. B. No. 203.]

CHAPTER 70.

An Act to amend article 122 of the Penal Code.

Section 1. Be it enacted by the Legislature of the State of Texas: That article 122 of the Penal Code shall hereafter read as follows:

Article 122. Under the name of executive, legislative and judicial officers, are included the Governor, Lieutenant Governor, Comptroller, Secretary of State, State Treasurer, Commissioner of the General Land Office, Commissioner of Insurance Statistics and History, Superintendent of Public Instruction, members of the Legislature, aldermen of all incorporated cities and towns in this State, judges of the Supreme, District and County Courts and of the Court of Appeals, Attorney-General, district and county attorneys, justices of the peace, mayors and judges of such city courts as may be organized by law, county commissioners, and all the other city, county and State officials.

Approved March 30th, 1885.

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S. S. B. No. 264.]

CHAPTER 71.

An Act to restore the jurisdiction of the county courts in Llano and Mason counties, and to repeal all laws in conflict therewith.

Section 1. Be it enacted by the Legislature of the State of Texas: That the county courts of Llano and Mason counties shall have concurrent original jurisdiction of all misdemeanors of which exclusive original jurisdiction is not given to the justices' courts, as the same are now or may be hereafter prescribed by law, and exclusive original jurisdiction of all misdemeanors when the fine to be imposed shall exceed two hundred dollars, or where the punishment is by imprisonment in the county jail, either absolutely or in the alternative; and they shall have exclusive original jurisdiction in all civil cases when the matter in controversy shall exceed in value two hundred dollars and not exceed five hundred dollars, exclusive of interest, and concurrent jurisdiction with the district courts when the matter in controversy shall exceed five hundred and not exceed one thousand dollars, exclusive of interest, but shall not have jurisdiction of suits for the recovery of land. They shall have appellate jurisdiction in cases, civil and criminal, of which justices' courts have original jurisdiction, under such regulations as are now, or may hereafter be, prescribed by law. In all appeals from justices' courts there shall be a trial de novo, in the county court, and an appeal shall lie to the Court of Appeals under such regulations as may be prescribed by law. The county court shall have the general jurisdiction of a probate court. They shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis and common drunkards, grant letters testamentary and of administration, settle accounts of executors, administrators and guardians, transact all



business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis and common drunkards, including the settlement, partition and distribution of estates of deceased persons, and to apprentice minors as provided by law. And the county court or judge thereof shall have power to issue writs of mandamus, injunction and all other writs necessary to the enforcement of the jurisdiction of said courts; and to issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of the county court, or any other court or tribunal inferior to said court.

Section 2. That all causes now pending in the district courts of Llano and Mason counties of which the county courts of said counties have jurisdiction under the provisions of this act and all laws giving jurisdiction to the county courts, shall be transferred to the county courts of said counties.

Section 3. The clerks of the district courts of said counties of Llano and Mason shall within thirty days from the date this act takes effect, transfer to the clerk of the county courts of said counties all the original papers in causes transferred under this act, together with a certified transcript of all entries made on the docket of the district courts in such causes, and a certified bill of all costs accrued in such causes; and for making out such transcript of the docket the clerk of the district court shall be allowed such fees as are now allowed by law for making out transcripts in cases of appeal, such fees to be taxed as costs in such suits.

Section 4. That all laws or parts of laws in conflict with any of the provisions of this act be and they are hereby repealed.

NOTE.—The foregoing act was presented to the Governor for his approval on the 30th day of March, A. D. 1885, but was not signed by him or returned by him to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon it became a law without his signature.

J. W. BAINES, Secretary of State.

H. B. No. 533.]

## CHAPTER 72.

An Act to authorize the Secretary of State to purchase, for the use of the State, the Texas Court of Appeals Reports, volumes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, and to contract for the relinquishment of the copyright of said Reports with the persons owning the same, and to prevent the copyrighting of future volumes of said Reports to the exclusion of the State, and to make an appropriation therefor.

Section 1. Be it enacted by the Legislature of the State of Texas: That the Secretary of the State of Texas be and he is hereby authorized to purchase for the use of the State two hundred volumes each of volumes 1, 2, 3, 4, 5, 6, 7, 8, 9, and one hundred volumes of volumes 10, 11 and 12 of the Court of Appeals Reports.

Section 2. That the character of work, binding, style of type weight and quality of paper shall be as in volumes of Moore & Walker's Reports heretofore published.

Section 3. That the Secretary of State be and he is hereby authorized to pay not exceeding three dollars per volume, and the Secretary of State shall not purchase exceeding two hundred copies of said volumes, and that, before making said contract, the Secretary be and he is hereby authorized to require that said publishing house file in his office a relinquishment to the State of Texas of the copyright on each volume of said reports, to take effect after the date of such contract, so that hereafter no person shall have the exclusive copyright of said Reports; and that no person shall hereafter be authorized to take out a copyright to any of said reports or to any Texas Courts of Appeals Reports, hereafter to be issued, except for the State.

Section 4. That said reports shall be delivered by said publishing house within six months after the receipt of the order for the same from the Secretary of State, and the same shall be paid for when delivered out of any funds in the treasury not otherwise appropriated; the sum of six thousand and three hundred dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of paying for said reports; provided, that the publisher contracts with the Secretary of State, that after the execution of the contract mentioned, he will supply all purchasers with the reports at a sum not exceeding three dollars per volume.

Section 5. In order to carry into effect the provisions of this act, and to secure the State in its faithful execution, the Secretary of State is authorized to require of said publishing house the execution and filing in his office of a bond, payable to the State, in the sum of two thousand five hundred dollars with two or more good and sufficient securities, conditioned for the faithful performance of the conditions of his contract under this act.

Section 6. There being no complete set of Texas Court of Appeals Reports now on hand in the office of the Secretary of State, and there being a demand therefor, creates an imperative public necessity and an emergency that this act take effect and be in force from and after its passage, and the fact that this session of the Legislature is rapidly drawing to a close, and the necessity that some measure be provided to supply the State with reports, creates an imperative public necessity that the constitutional rules requiring bills to be read on three several days in each house be suspended, and it is so enacted.

I hereby certify that H. B. No. 533, originated in the House and passed the same March 21st, 1885, by a two-thirds vote, ayes 74, nays 1.

A. D. SADLER,

Chief Clerk House of Representatives.

I hereby certify that H. B. No. 533 passed the Senate March 27th, 1885, by ayes 24, noes none.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved March 30th, 1885.

S. H. B. No. 91.]

## CHAPTER 73.

An Act to amend title 10, chapter 1, article 849 of the Code of Criminal Procedure of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That article 849, title 10, chapter 1, of the Code of Criminal Procedure of the State of Texas, be and the same is hereby amended so as to hereafter read as follows, to wit:

Article 849. The effect of an appeal is to suspend and arrest all further proceedings in the case in the court in which the conviction was had until the judgment of the Appellate Court is received by the court from which said appeal was taken; provided, that in cases where, after notice of appeal has been given, the record or, any portion thereof, is lost or destroyed before the transcript is made out and filed in the Court of Appeals, such portions so lost or destroyed may be substituted by the attorney representing the State, in the same manner as is now provided by law in cases of indictments and informations; provided, that substitution may be made either in term time or in vacation; provided further, that the defendant may also substitute any part of said record, under the rules now prescribed for civil cases; provided also, that defendants may substitute said papers so lost, either in term time or vacation. When lost papers are sought to be substituted in vacation, the opposite party, or his counsel, must have five days notice of the time and place when such substitution will be asked to be made.

Section 2. The fact that the session of the Legislature is now drawing to a close renders it improbable that this bill can be read on three several days creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

I hereby certify that S. H. B. No. 91 originated in the House and passed the same March 27th, 1885, by a two-thirds vote: ayes 87, nays 1.

A. D. SADLER,

Chief Clerk House of Representatives.

I hereby certify that S. H. B. No. 91 passed the Senate March 27th, 1885, by ayes 32, nays none.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved March 30th, 1885.

S. B. No. 269.]

CHAPTER 74.

**An Act to amend an act entitled "An act to amend section 16 of an act to redistrict the State into judicial districts and fix the times of holding court therein and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November 1884, approved April 9th 1883, approved January 30 1884."**

Section 1. Be it enacted by the Legislature of the State of Texas: That the above recited act be so amended as to hereafter read as follows:

Section 16. The sixteenth judicial district shall be composed of the counties of Denton, Wise, Montague and Cooke, and the district court shall be held therein as follows:

In the county of Denton on the first Monday in January and the second Monday in July, and may continue in session six weeks.

In the county of Wise on the sixth Mondays after the first Monday in January and the second Monday in July, and may continue in session six weeks.

In the county of Montague on the twelfth Mondays after the first Monday in January and the second Monday in July, and may continue in session four weeks. In the county of Cooke on the sixteenth Mondays after the first Monday in January and the second Monday in July and may continue in session until the business is disposed of.

Section 2. All writs and process issued from the courts of the counties mentioned in this act, prior to the time when this act shall take effect, shall be held to require the parties to appear at the terms fixed by this act, and shall have the same force and effect as if made returnable to the terms as fixed by this act.

Section 3. The large amount of business to be transacted during the remainder of this session, and the necessity that this act should be passed, create an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house, be suspended, and said rule is therefore suspended.

Approved March 30th, 1885.

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S. B. No. 88.]

CHAPTER 75.

**An Act to further regulate attachments in county and justices courts.**

Section 1. Be it enacted by the Legislature of the State of Texas: That when an attachment issued from a county or justice court has been levied upon land, no order or decree foreclosing the lien thereby acquired shall be necessary, but the judgment shall briefly recite the issuance and levy of such attachment, and such recital shall be sufficient to preserve such lien. The land so attached may be sold under execution after judg-

ment and the sale thereof shall vest in the purchaser all the estate of the defendant in attachment in such land, at the time of the levy of such writ of attachment.

Section 2. The uncertainty in the law concerning the manner of enforcing attachments levied upon lands when the same are issued from county and justice courts, and the conflicting decisions with respect to such law leaving the parties holding such attachment liens practically without remedy create an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

I do hereby certify that the within S. B. No. 88 originated in the Senate and passed the same by a vote of 24 ayes, no nays, January 24, 1885.

WM. NEAL RAMEY,  
Secretary of the Senate.

I do hereby certify that the within S. B. No. 88 passed the House by a vote of 73 ayes, noes 4, March 27, 1885.

A. D. SADLER,  
Chief Clerk House of Representatives.  
Approved March 30th, 1885.

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S. B. No. 280.]

## CHAPTER 76.

An Act to reorganize the thirty fifth judicial district of the State of Texas, to fix the times and terms of courts therein and to repeal all laws in conflict with the same.

Section 1. Be it enacted by the Legislature of the State of Texas: That the thirty-fifth judicial district of the State of Texas shall be composed of the counties of Comanche, Brown, Coleman, Callahan, Shackelford, Stephens and Eastland; and terms of the district court shall be held therein each year as follows: In the county of Comanche on the first Monday in February and on the third Monday in August and may continue in session three weeks. In the county of Brown on the fourth Monday in February and on the fifth Monday after the first Monday in August and may continue in session three weeks. In the county of Coleman on the sixth Monday after the first Monday in February and on the eighth Monday after the first Monday in August and may continue in session three weeks. In the county of Callahan on the ninth Monday after the first Monday in February and on the eleventh Monday after the first Monday in August and may continue in session three weeks. In the county of Shackelford on the twelfth Monday after the first Monday in February and on the fourteenth Monday after the first Monday in August and may continue in session two weeks. In the county of Stephens on the fourteenth Monday after the first Monday in February and on the sixteenth Monday after the first Monday in August and may continue in session two weeks. In the county of Eastland on the sixteenth

Monday after the first Monday in February and on the eighteenth Monday after the first Monday in August and may continue in session until the business is disposed of.

Section 2. Be it further enacted: That all writs and process returnable to the district courts of the several counties mentioned in this act shall be returnable to the first terms of said courts respectively begun and held under the provisions of this act, and all grand and petit jurors summoned or selected for the district courts of said counties shall be returnable to the first terms of said courts respectively begun and held under the provisions of this act, and shall be as valid as if no change had been made in the times of holding said courts.

Section 3. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Section 4. The near approach of the close of this session of the Legislature and the fact that under existing laws terms of the district court of said district will not be held at suitable times but are in confusion create an emergency and an imperative public necessity for the immediate passage of this act and that it take effect from and after its passage and for the suspension of the constitutional rule requiring bills to be read on three several days, and it is therefore enacted that said constitutional rule be suspended and that this act take effect and be in force from and after its passage.

I do hereby certify that the within S. B. No. 280 originated in the Senate and passed the same by a vote of 23 yeas, no nays, March 27, 1885.

WM. NEAL RAMEY,  
Secretary of the Senate.

I do hereby certify that the within S. B. No. 280 passed the House by a vote of 71 ayes, 1 nay, March 28th, 1885.

A. D. SADLER,  
Chief Clerk House of Representatives.

Approved March 31st, 1885.

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S. B. No. 188.]

## CHAPTER 77.

An Act to amend section 13 of "An act to redistrict the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884," approved April 9th, 1883.

Section 1. Be it enacted by the Legislature of the State of Texas: That section 13 of an act entitled "An act to redistrict the State into judicial districts and fix the times for holding courts therein and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884," shall be so amended as to hereafter read as follows:

Section 13. The thirteenth judicial district shall be composed

of the counties of Limestone, Freestone, and Navarro, and the district courts shall be held therein as follows:

In the county of Freestone on the first Mondays in September and the second Mondays in February and may continue in session four weeks; In the county of Limestone on the fourth Mondays after the first Monday in September, and on the fourth Mondays after the second Monday in February and may continue in session seven weeks; In the county of Navarro on the first Mondays in May and December, and may continue in session nine weeks.

Section 2. That all writs and process returnable to said courts shall be returnable to the terms of said courts as herein defined; and all such writs and process as have been issued, executed and returned shall be as valid as if no change had been made in said courts by the passage of this act.

Section 3. The early day when the Legislature will adjourn creates an imperative public necessity and emergency requiring that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and that this act take effect and be in force from and after the first day of September, A. D. 1885, and it is so enacted.

Approved March 31st, 1885.

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S. B. No. 31.]

## CHAPTER 78.

An Act to regulate reservations in sales of personal property.

Section 1. Be it enacted by the Legislature of the State of Texas: That all reservations of the title to, or property in chattels as security for the purchase money thereof, shall be held to be chattel mortgages, and shall, when possession is delivered to the vendee, be void as to creditors and bona fide purchasers, unless such reservations be in writing and registered as required of chattel mortgages; provided that nothing in this act shall be construed to contravene the landlord and tenants act.

Section 2. The near approach of the close of the session and the crowded condition of the business on hand create an imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days and said rule is suspended.

Approved March 31st, 1885.

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S. S. B. No. 204.

## CHAPTER 79.

An Act to prohibit sheriffs and witnesses from charging fees, mileage, or expenses in certain cases.

Section 1. Be it enacted by the Legislature of the State of Texas: That a sheriff shall not charge fees for arrests made by rangers, or mileage for prisoners transported by rangers, or mileage or other fees for transporting a witness under attach-

ment issued from another county unless such witness refuses to give bail for his appearance, or files an affidavit with such sheriff of his inability to give bail, and a witness who refuses to give bail or make affidavit of his inability to give bail shall not be entitled to fees, mileage or expenses.

Section 2. The near approach of the close of the session creates an imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is suspended.

Approved March 31st, 1885.

S. B. No. 278.]

CHAPTER 80.

An Act to confer upon certain county courts whose civil jurisdiction has been heretofore, or may hereafter be diminished, jurisdiction in all matters of eminent domain.

Section 1. Be it enacted by the Legislature of the State of Texas: That all county courts whose civil jurisdiction has been heretofore, or may hereafter be diminished by law, to such extent as to no longer be able to exercise jurisdiction in matters of eminent domain shall, in addition to the powers and jurisdiction now lawfully exercised by them, be clothed with full jurisdiction in and over all matters of eminent domain over which the county courts have jurisdiction by the general laws of this State.

Section 2. Whereas the time is exceedingly short which remains to this session, and there is a vast amount of business pending, there is thereby created an imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is suspended, and whereas the immediate operation of the provisions of this act will be highly beneficial to Panola and perhaps other counties whose jurisdiction was diminished by the Sixteenth Legislature, there is thereby created an emergency, and a public necessity that this act take effect from and after its passage, and it is so enacted.

I do hereby certify that the within S. B. No. 278 originated in the Senate and passed the same March 25, 1885, by vote of yeas 21, nays none.

WM. NEAL RAMEY,  
Secretary of the Senate.

I do hereby certify that the within S. B. No. 278 passed the House March 28, 1885, by vote of yeas 73, nays 2.

A. D. SADLER,  
Chief Clerk House of Representatives.

Approved March 31st, 1885.



## S. B. No. 180.]

## CHAPTER 81.

An Act to amend section 4 of an act entitled "An act to redistrict the State into judicial districts, and to fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884."

Section 1. Be it enacted by the Legislature of the State of Texas: That section 4 chapter 67 of the General Laws of the State of Texas, passed at the regular session of the Eighteenth Legislature, be amended so as to hereafter read as follows:

Section 4. The fourth judicial district shall be composed of the counties of Rusk, Harrison, Panola and Shelby, and the district courts shall be held therein as follows:

In the county of Rusk on the first Mondays in January and July and may continue in session six weeks.

In the county of Harrison on the sixth Monday after the first Mondays in January and July, and may continue in session eight weeks.

In the county of Panola on the fourteenth Monday after the first Mondays in January and July and may continue in session four weeks.

In the county of Shelby on the eighteenth Monday after the first Mondays in January and July and may continue in session three weeks.

Section 2. All writs and process returnable to the district courts as heretofore fixed in the counties affected by this act, and all such writs and process that may hereafter be issued before this act shall take effect and made returnable to the terms of said district courts as now fixed by law, shall be as valid and binding as if no change had been made.

Section 3. All laws and parts of laws in conflict with the provisions of this act be, and they are hereby repealed.

Approved March 31st, 1885.

## S. S. B. No. 10]

## CHAPTER 82.

An Act to amend article 4 title 2 of the Revised Statutes.

Section 1. Be it enacted by the Legislature of the State of Texas: That article 4, title 2, of the Revised Civil Statutes of the State of Texas, be amended, so as to hereafter read as follows:

Article 4. All oaths, affidavits or affirmations necessary, or required by law, may be administered, and a certificate of the fact given, by any judge or clerk of a court of record, or by any notary public within this State.

Section 2. The fact that no general authority is invested in the judicial officers of the State to administer oaths, creates an emergency, and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

I do hereby certify that the within S. S. B. No. 10 originated in the Senate and passed the same February 20, 1885, by vote of yeas 22, nays none.

WM. NEAL RAMEY,  
Secretary of the Senate.

I do hereby certify that the within S. S. B. No. 10 passed the House March 30, 1885, by vote of yeas 80, nays none.

A. D. SADLER,  
Chief Clerk House of Representatives.

Approved March 31st, 1885.

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S. B. No. 126.]

CHAPTER 83.

An Act prescribing and fixing the venue of suits against foreign corporations, joint stock companies or associations, or acting corporations or associations, doing business within this State, and to provide the mode of serving process on such corporations or associations.

Section 1. Be it enacted by the Legislature of the State of Texas: That foreign, private or public corporations, joint stock companies or associations, or acting corporations or associations not incorporated by the laws of this State, and doing business within this State, may be sued in any court within this State having jurisdiction over the subject matter in any county where the cause of action or a part thereof accrued, or in any county where such company may have an agency or representation in the county in which the principal office of such company may be situated, or when the defendant corporation has no agent or representative in the State, then in the county where the plaintiffs or either of them reside.

Section 2. In any suit against a foreign, private or public corporation, joint stock company or association or acting corporation or association, citation or other process may be served on the president, vice-president, secretary or treasurer, or general manager, or upon any local agent within this State, of such corporation, joint stock company or association, or acting corporation or association.

Approved March 31st, 1885.

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S. B. No. 241.]

CHAPTER 84.

An Act making appropriations for deficiencies in the appropriations heretofore made for the payment of expenses in support of the government from March 1st 1883 to February 28th 1885, and for outstanding claims not registered, and other deficiencies.

Section 1. Be it enacted by the Legislature of the State of Texas: That the following sums or so much thereof as may necessary, be and the same are hereby appropriated out of any moneys in the treasury not otherwise appropriated, for deficiencies in the appropriations heretofore made for payment of ex-

penses in support of the government from March 1st 1883, to February 28th 1885, and for outstanding claims not registered and other deficiencies. To pay Anthony Deffenbaugh one hundred dollars; William L. Hunter one hundred dollars; W. P. Lane fifty dollars; members of the veteran board and the heirs of F. W. Johnson fifty dollars; and heirs of H. P. Brewster two hundred and fifty dollars; (claimants to file relinquishments of all claims for said service heretofore rendered prior to receiving the benefit of this act), to be approved by the Governor.

Section 2. The near approach of the end of the session, and the volume of business to be considered, and the fact that the money due these veterans should be paid, create an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and it is so suspended.

Approved March 31st, 1885.

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S. B. No. 48.]

CHAPTER 85.

An Act to prevent fishing and hunting on the enclosed lands of another.

Section 1. Be it enacted by the Legislature of the State of Texas: That any person who shall enter upon the enclosed and posted land of another without the consent of the owner, proprietor or agent in charge, and therein hunt with firearms, or therein catch or take any fish from any pond, lake or tank, shall be punished by fine of not less than five nor more than one hundred dollars.

Section 2. No one shall be liable to the penalty prescribed in section 1 unless the owner or proprietor of such enclosure shall at each entrance thereto keep a board in a conspicuous place, with the word "posted" plainly marked thereon, which shall constitute posting within the meaning of this act; provided further, that this act shall not apply to enclosures including two thousand acres in one enclosure.

Approved March 31st, 1885.

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S. B. No. 193.]

CHAPTER 86.

An Act to provide for the correction and revision of the abstracts of located titled and patented lands in Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That it shall be the duty of the tax assessor of each county in this State, within sixty days after this act shall take effect to call to his aid the county surveyor of his county, who shall prepare a report to the Commissioner of the General Land Office, containing a list of surveys of land, or fractional parts of surveys within their respective counties which appear on the abstract of Texas land titles now in use by tax assessors, but which surveys or fractional parts thereof do not exist as valid surveys in such county, stating as fully the error as is practi-

cable, and giving such explanation of each as may facilitate the Commissioner of the General Land Office in arriving at correct conclusions when the data furnished is compared with the proper files in the Land Office.

Section 2. Upon receipt of the report provided for in section 1, by the Commissioner of the General Land Office, he shall at once have an examination made of the proper files in the Land Office, and if he is satisfied of the incorrectness or invalidity of any survey thus reported he shall erase the same or make the necessary correction on the abstract of lands, and shall furnish a list of any such incorrect or invalid surveys to each tax assessor, with instructions to erase the same from the abstract or make any other proper correction thereof.

Section 3. For services herein provided the assessor and surveyor shall each be allowed five dollars per day, to be paid by the county commissioners court, but services shall not be allowed for more than five days.

Section 4. Any failure of the assessor or surveyor to make the report as herein provided, shall render him liable to a fine of not less than ten nor more than one hundred dollars.

Section 5. Whereas it is important that this act pass at this session of the Legislature, an imperative public necessity and emergency exist for the passage of this act, therefore the rule requiring this act to be read on three several days be and the same is hereby suspended, and it is so ordered.

Approved March 31st, 1885.

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S. B. No. 4.]

## CHAPTER 87.

An Act to amend article 2514 of chapter 5, title 47 of an act entitled "An act to adopt and establish the Revised Civil Statutes of the State of Texas," adopted February 28, 1879.

Section 1. Be it enacted by the Legislature of the State of Texas: That article 2514, chapter 5, title 47 of "An act to adopt and establish the Revised Civil Statutes of the State of Texas," adopted February 28, 1879, be so amended as to hereafter read as follows:

Article 2514. When from any cause the estate of a minor, person of unsound mind, or of an habitual drunkard is without a guardian, and such estate is likely to injure or waste, the county judge shall upon application, or without application, either in term time, or in vacation, appoint some suitable person to take charge of such estate, as receiver, until a guardian can be regularly appointed, and shall make such other orders as may be necessary for the preservation of such estate. Such appointment and orders shall be recorded in the minutes of the court, and shall specify the duties and powers of such receiver, and the provisions of the law governing in the case of a temporary administration upon the estate of a decedent shall govern in the case of a receiver appointed under this article, so far as the same are applicable. If during the pendency of such receivership the wants of such minor, person of unsound mind, or

habitual drunkard should require the use of the means of such estate for their subsistence, clothing or education, the county judge is hereby authorized, and it shall be his duty, upon application, or without application, either in term time or in vacation, to appropriate by an order entered upon the minutes of his court, out of the effects of such estate, an amount sufficient for such purpose, said amount to be paid by such receiver, upon such claims for the subsistence, clothing, or education, as may have been presented to such county judge, and approved, and by him ordered to be paid. If at any time the receiver shall have on hand any money belonging to such estate, beyond what may be necessary for the present necessities of the beneficiary of said estate, and the current expenses thereof, he may, under the direction of the county judge, loan said money, for such length of time as said county judge may direct, for the highest legal rate of interest that can be obtained therefor, in the manner, and upon the security and terms provided in article 2559, chapter 9, title 47 of said Revised Civil Statutes.

Section 2. Whereas there are now in the hands of receivers appointed under the foregoing article in this State, such estates as are therein specified, the means of which are necessary to be used for the support and education of the beneficiaries thereof, and whereas there is no law authorizing the use of said means for said purpose, said facts create an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is hereby suspended, and that this act take effect and be in force from and after its passage and it is so enacted.

I do hereby certify that the within S. B. No. 4 originated in the Senate and passed the same February 3, 1885, by vote of yeas 23, nays 2.

WM. NEAL RAMEY,  
Secretary of the Senate.

I do hereby certify that the within S. B. No. 4 passed the House March 30, 1885, by a vote of yeas 77, nays 3.

A. D. SADLER,  
Chief Clerk House of Representatives.

. Approved March 31st, 1885.

S. H. B. No. 502.]

## CHAPTER 88.

An Act to postpone the sale of real and personal property for taxes assessed for 1884, until the first Monday in July, 1885;

Whereas, In consequence of the almost total failure of the crops for the year 1884, there exists great financial pressure throughout the State which would cause an unnecessary sacrifice of property should the same be offered at forced sale at this time, therefore;

Section 1. Be it enacted by the Legislature of the State of Texas: That the Comptroller of Public Accounts be, and he is

hereby empowered and required to notify the sheriffs and tax collectors of the several counties of the State to postpone the sale of real and personal property for the taxes of 1884, until the first Monday in July, 1885; provided, that nothing in this act shall be construed to repeal any law now in force in reference to the collection of taxes, but only intended to extend the time for the forced collection of the tax for 1884, as herein provided.

Section 2. The near approach of the close of the session, and the fact that the time for the forced collection of taxes for 1884 is now at hand, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be, and the same is hereby suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

I hereby certify that S. H. B. No. 502 originated in the House and passed the same March 25th, 1885, by a two-thirds vote, ayes 71, nays 7.

A. D. SADLER,

Chief Clerk House of Representatives.

I hereby certify that S. H. B. No. 502 passed the Senate March 27th, 1885, by ayes 22, nays 2.

WM. NEAL RAMEY,  
Secretary of the Senate.

NOTE.—The foregoing act was presented to the Governor for his approval on the 31st day of March, A. D. 1885, but was not signed by him or returned within the time prescribed by the Constitution to the House in which it originated, with his objections thereto, and thereupon it became a law without his signature.

J. W. BAINES,  
Secretary of State.

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H. B. No. 586.]

CHAPTER 89.

An Act to protect persons in the settlement of the Common School, University, the Lunatic, Blind, Deaf and Dumb and Orphan Asylum lands, and to prescribe penalties for an interference with their legal rights.

Section 1. Be it enacted by the Legislature of the State of Texas: That any person who by force, threats or intimidations shall prevent or attempt to prevent, or shall combine and confederate with others to prevent or attempt to prevent any person who has acquired a right thereto in accordance with the laws of the State from peaceably entering upon and establishing a settlement on any parcel or tract of land belonging to the Common School, University, the Lunatic, Blind, Deaf and Dumb and Orphan Asylum lands, subject to purchase and settlement under and in accordance with the laws of this State, shall be deemed guilty of a misdemeanor and upon conviction therefor shall be fined in any sum not less than two hundred nor more than one thousand dollars, and in addition thereto shall be im-

prisoned in the county jail not less than one nor more than six months.

Section 2. Whereas, the near approach of the close of the session, rendering it unlikely that this bill will pass, except by a suspension of rules, and the inadequate protection afforded purchasers of leased lands under existing laws, create an emergency and an imperative public necessity which require that the constitutional rule that bills be read on three several days be suspended, and it is so enacted.

Approved March 31st, 1885.

H. B. No. 525.]

## CHAPTER 90

An Act to amend section 11 of "An act to re-district the State into judicial districts, and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884," approved April 9, 1883.

Section 1. Be it enacted by the Legislature of the State of Texas: That section eleven of an act entitled "An act to re-district the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884," approved April 9, 1883, be and the same is hereby amended so as hereafter to read as follows:

Section 11. The eleventh judicial district shall be composed of the counties of Harris and Montgomery, and the district courts shall be held therein as follows:

In the county of Montgomery on the first Mondays in July and December, and may continue in session four weeks;

In the county of Harris on the first Mondays in March and October, and may continue in session until the business is disposed of.

Section 2. All writs and process, civil and criminal, heretofore issued, or which may be issued up to the time this act takes effect by or from the district courts of said counties, and made returnable to the former terms of said courts as said terms are now fixed by law, shall be returnable to the next ensuing terms of said district courts in said counties, as they are prescribed by this act, and all such writs and process that may be issued by or from said courts at any time within five days next before the holding of the next ensuing terms of said courts, as prescribed herein, are hereby made returnable to said terms respectively, and all such writs and process hereinbefore mentioned are hereby legalized and validated to all intents and purposes, as if the same had been made returnable to the term of said courts as the terms thereof are herein prescribed.

Section 3. That this law take effect and be in force from and after the first day of August, A. D. 1885, and that all laws and parts of laws in conflict herewith be, and the same are, hereby repealed.

Section 4. The fact that this Legislature is so near its close that this bill cannot be passed without a suspension of the constitutional rule requiring bills to be read on three several days creates an emergency and imperative public necessity for the suspension of said rule, and it is so suspended.

Approved March 31st, 1885.

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S. H. Bs. Nos. 171 and 208.]

CHAPTER 91.

An Act to amend article 425 of the Penal Code of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That article 425 of the above recited act be amended so as to read hereafter as follows:

Article 425. Whoever shall catch or take, or attempt to catch or take, any fish in this State by the use of lime, china-berries, India-berries, or other poisonous substances placed in, the water, or by the exploding of dynamite, giant powder, nitro-glycerine, or other compounds of an explosive nature in the form of a cartridge or other forms, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not less than fifty nor more than one hundred and fifty dollars.

Approved March 31st, 1885.

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H. B. No. 349.]

CHAPTER 92.

An Act to amend article 797, chapter 17, title 17 of the Penal Code of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That article 797, chapter 17, title 17 of the Penal Code be so amended as to hereafter read as follows:

Article 797. If any person has given, or shall hereafter give any mortgage, deed of trust or other lien, in writing, upon any personal or movable property or growing crop of farm produce, and shall remove the same or any part thereof out of the State, or shall sell or otherwise dispose of the same with intent to defraud the person having such lien, either originally or by transfer, he shall be punished by imprisonment in the penitentiary not less than two nor more than five years.

Approved March 31st, 1885.

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H. B. No. 456.]

CHAPTER 93.

An Act to amend chapter 2 of title 48 of the Revised Civil Statutes by adding thereto article 2745a.

Section 1. Be it enacted by the Legislature of the State of Texas: That chapter two of title XLVIII of the Revised Civil



Statutes shall be so amended as to add thereto article 2745a which shall read as follows:

Article 2745a. No warrant shall be drawn on the Treasurer of this State by the Comptroller, based alone on the requisition of any individual or board, except as otherwise provided by law, but in all cases, an account must be first filed, made in pursuance of some specific appropriation, and filed by some one duly authorized, which the Comptroller may require to be verified by affidavit.

Section 2. The importance of this law and the limited time for its enactment, create an emergency, and an imperative necessity that the rule requiring bills to be read on three several days, be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

I hereby certify that H. B. No. 456 originated in the House and passed the same March 24, 1885, by a two-thirds vote, ayes 79, nays 1.

A. D. SADLER,  
Chief Clerk House of Representatives.

I hereby certify that H. B. No. 456 passed the Senate March 27, 1885, ayes 24, nays none.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved March 31st, 1885.

S. H. B. No. 408.]

## CHAPTER 94.

An Act to amend chapter 2, title 2 of the Penal Code of the State of Texas, adding thereto article 354a.

Section 1. Be it enacted by the Legislature of the State of Texas: That there shall be and is hereby added another article to chapter 2 title 2 of the Penal Code of the State of Texas, to be known as article 354a, and said article shall read as follows:

Article 354a. If any person shall, directly or through an agent or agents, manage or superintend for himself or as agent or representative of any other person, conduct, carry on or transact any business which is commonly known as a dealer in futures, cotton, grain, any kind of meats or stocks, or keep any house commonly known as a produce or stock exchange, or bucket shop, where future contracts are bought and sold, with no intention of an actual delivery of the article so bought or sold or any house appertaining thereto, such person, whether acting for himself or for others as aforesaid shall be deemed guilty of a misdemeanor, and upon conviction in any court of competent jurisdiction shall be fined in any sum, for the first offense not less than fifty dollars and not more than two hundred dollars and for the second and each subsequent violation may, in addition to said fine, be imprisoned in the county jail not less than thirty days nor more than six months; provided, that each day shall constitute a separate

offense. That the session is rapidly drawing to a close, therefore an emergency exists by which the constitutional rule requiring bills to be read on three several days be suspended, and that this bill take effect from and after its passage, and it is so enacted.

I hereby certify that S. H. B. No. 408 originated in the House and passed the same March 28, 1885.

A. D. SADLER,  
Chief Clerk House of Representatives.

I hereby certify that S. H. B. No. 408 passed the Senate March 31st, 1885, by a two-thirds vote, 20 ayes, 3 nays.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved March 31st, 1885.

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H. B. No. 562.]

CHAPTER 95.

An Act to amend sections 1, 2 and 4 of an act entitled "An Act to provide for the more efficient management of the Texas penitentiaries, and to make an appropriation therefor," approved April 18, 1883.

Section 1. Be it enacted by the Legislature of the State of Texas; That sections 1, 2 and 4 of an act entitled an act to provide for the more efficient management of the Texas State penitentiaries and to make an appropriation therefor, approved April 18, 1883, be so amended as hereafter to read as follows:

Section 1. Be it enacted by the Legislature of the State of Texas; That the penitentiary board shall hereafter consist of three commissioners of State penitentiaries, to be appointed by the Governor, with the advice and consent of the Senate. Said commissioners shall hold their office for two years and until the appointment and qualification of their successors; and in case of a vacancy in said office, the same shall be filled by executive appointment for the unexpired term. Said commissioners shall each receive six dollars per day while in attendance on the meetings of the board and their actual traveling expenses. Two members thereof shall constitute a quorum for the transaction of business and the proceedings of said board shall be subject to the approval of the Governor.

Section 2. The Governor shall, with the advice and consent of the Senate, appoint a financial agent for the penitentiaries, who shall receive for his services the sum of three thousand dollars per annum. It shall be the duty of the Comptroller of Public Accounts to draw his warrant on the Treasurer for all sums due by the State on account of the penitentiaries upon the certificate of the financial agent of the penitentiaries, approved by the penitentiary board; provided, that the penitentiary board may make monthly estimates of the expenses of the penitentiaries; in which case the Comptroller shall issue his warrant for such amount in favor of said financial agent, and he shall file with the Comptroller at the end of the month for which such

estimate is made, vouchers for all payments made out of such amount. The financial agent shall be the purchasing selling and disbursing agent of the State penitentiaries. Before entering upon the discharge of his duties, he shall give bond in the sum of twenty thousand dollars, with two or more sufficient sureties, payable to the Governor and his successors in office, to be approved by the penitentiary board, conditioned for the faithful performance of the duties of his office, and shall exercise such power and perform such duties as may be prescribed by the penitentiary board; provided, the same are not inconsistent with the Constitution and laws of this State.

Section 4. It shall be the duty of the penitentiary board to confine all convicts within the walls of the penitentiaries as soon as suitable prisons can be provided for their confinement and employment in such manner that they will be self supporting, and until adequate provision is made for such confinement and employment of the convicts, they may be employed as provided in section 3 of this act; provided, that the penitentiary board may at any time, if they deem it advisable, purchase a penitentiary farm or farms, upon which all convicts not self-supporting, may be worked by the State.

Section 2. Whereas, two of the members of the penitentiary board have resigned, and whereas, public policy requires the immediate appointment of the commissioners of State penitentiaries as provided for in this act; therefore, an emergency exists that this act take effect and be in force from and after its passage, and it is so enacted.

I hereby certify that H. B. No. 562 originated in the House and passed the same March 25th, 1885, by a two-thirds vote, ayes 84.

A. D. SADLER,  
Chief Clerk House of Representatives.

I hereby certify that H. B. No. 562, passed the Senate March 27th, 1885, by ayes 22, nays none.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved March 31st, 1885.

H. B. No. 239.]

## CHAPTER 96.

An Act to authorize the commissioners' courts of the organized counties of the State of Texas, to which unorganized counties are attached for judicial purposes, to lay off and designate justices' precincts in such unorganized counties, and to constitute such precincts election precincts, and to provide for voting in such unorganized counties for county commissioner of the counties to which they are so attached.

Section 1. Be it enacted by the Legislature of the State of Texas: That whenever, in any unorganized county of the State of Texas, a necessity may exist for the appointment of more than one justice of the peace and constable for such county, and such fact is made known and set forth in a petition signed by

one hundred qualified voters of said county, addressed to the county commissioners' court of the organized county to which such unorganized county is attached for judicial purposes, asking the appointment of such officers, it shall be the duty of such commissioners' court to lay off and designate as many justices' precincts in such unorganized county as may be necessary, not exceeding four, and such commissioners' court shall have and are hereby empowered to appoint one justice of the peace, and one constable, for each justices' precinct in such unorganized county, in accordance with the provisions of the law now in force, authorizing such appointments in organized counties; and such justices' precincts shall be and they are hereby constituted election precincts in such unorganized county.

Section 2. Each unorganized county of the State of Texas which is attached, for judicial purposes, to an organized county shall be attached, for election purposes, to some one of the commissioners' precincts of such organized county, and voters, in such unorganized county, shall be authorized to vote in any election for commissioner of such commissioner's precinct; provided, when more than one election precinct has been established, under section 1 of this act, in such unorganized county of the State, each election precinct therein shall be attached for election purposes severally to one of the commissioners' precincts of such organized county, and voters in such election precincts shall be authorized to vote in any election for commissioner of the commissioners' precinct to which such election precinct has been attached.

Section 3. Whereas, the near approach of the close of the present session creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended. The said rule is therefore suspended.

Approved March 31st, 1885.

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H. B. No. 409.]

CHAPTER 97.

An Act to amend article 4518 of chapter 1, title 91, of the Revised Civil Statutes of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas; That article 4518 of chapter 1, title 91, of the Revised Civil Statutes of the State of Texas be so amended as to hereafter read as follows:

Section 4518. Whenever any person elected sheriff shall neglect, refuse, or fail from any cause whatever, to give bond and take the oath of office within twenty days after notice of his election the office shall be deemed vacant; and the county commissioners' court shall proceed to appoint a sheriff to fill such vacancy, who shall hold his office for the unexpired term.

Approved March 31st, 1885.

H. B. No. 483.]

## CHAPTER 98.

An Act to amend article 1533 of the Revised Statutes.

Section 1. Be it enacted by the Legislature of the State of Texas: That article 1533 of the Revised Statutes be, and the same is hereby amended, so as to read hereafter as follows:

Article 1533. There shall be elected by the qualified voters of each justices' precinct in the several counties of this State, at each biennial election, one justice of the peace, who shall hold his office for two years, and until his successor shall be elected and qualified. He shall enter into bond, payable to the county judge and his successors in office, in the sum of one thousand dollars, conditioned that he will faithfully and impartially discharge and perform all the duties required of him by law, and that he will promptly pay over to the party entitled to receive it, all moneys that may come into his hands during his term of office. This law shall apply to all justices of the peace appointed by the county commissioners' court.

Approved March 31st, 1885.

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S. H. B. No. 218.]

## CHAPTER 99.

An Act authorizing the sheriffs, constables or their deputies, of this State, to make persons, who are principals or sureties on indemnifying bonds, parties to suits, and giving such sheriffs, constables, or their deputies, time to secure service on such principals and sureties.

Section 1. Be it enacted by the Legislature of the State of Texas: That whenever a sheriff, constable, or a deputy of either, has been sued for damages for any act done in their official character, and they have taken indemnifying bonds for such acts so done by them, upon which said acts suits for damages are based, the said sheriffs, constables or their deputies shall have the right to make the parties, principal and surety on such bond of indemnity, parties defendant in suit for damages, and the cause may be continued for the purpose of obtaining service on such parties so made in said cause.

Approved March 31st, 1885.

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H. B. No. 252.]

## CHAPTER 100.

An Act to amend article 636, chapter 3, title 8, of section 2; of an act entitled "An act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas."

Section 1. Be it enacted by the Legislature of the State of Texas: That article 636, chapter 3, title 8, of section 2, of an act entitled "An act to adopt and establish a Penal Code and Code of Criminal Procedure for the State of Texas," be so amended as to read as follows:

Article 636. A challenge for cause is an objection made to a particular juror, alleging some fact which renders him incapable or unfit to serve on the jury. It may be made for any one of the following reasons:

1. That he is not a qualified voter in the State and county, under the Constitution and laws of the State.

2. That he is neither a house-holder in the county, nor a free-holder in the State.

3. That he has been convicted of theft or any felony.

4. That he is under indictment or other legal accusation for theft or any felony.

5. That he is insane or has such defect in the organs of seeing, feeling or hearing, or such bodily or mental defect or disease, as render him unfit for jury service.

6. That he is a witness in the case.

7. That he served on the grand jury which found the indictment.

8. That he served on a petit jury in a former trial of the same case.

9. That he is related within the third degree of consanguinity or affinity to the defendant.

10. That he is related within the third degree of consanguinity or affinity to the person injured by the commission of the offense, or to the private prosecutor, if there be one.

11. That the juror has conscientious scruples in regard to the infliction of the punishment of death for crime.

12. That he has a bias or prejudice in favor of or against the defendant.

13. That from hearsay, or otherwise, there is established in the mind of the juror such a conclusion as to the guilt or innocence of the defendant, as will influence him in his action in finding a verdict.

For the purpose of ascertaining, whether this cause of challenge exists, the juror shall be first asked, whether in his opinion the conclusion so established will influence his verdict. If he answer in the affirmative, he shall be discharged, if he answer in the negative he shall be further examined by the court, or under its sanction, as to how his conclusion was formed and the extent to which it will effect his action, and if it appears to have been formed from reading newspaper accounts, communications, statements or reports, or from mere rumor or hearsay, and the juror states on oath that he feels able, notwithstanding such opinion, to render an impartial verdict upon the law and the evidence, the court, if satisfied that he is impartial and will render such verdict, may, in its discretion admit him as competent to serve in such case; but if the court, in its discretion, is not satisfied that he is impartial, the juror shall be discharged.

14. That he cannot read and write. This cause of challenge shall not be sustained when it appears to the court that the requisite number of jurors, who are able to read and write, cannot be found in the county.

Approved March 31st, 1885.

S. H. B. No. 270.]

## CHAPTER 101.

An Act to amend article 3856 of the Revised Statutes.

Section 1. Be it enacted by the Legislature of the State of Texas: That article 3856 of the Revised Statutes be so amended as to read hereafter as follows:

Article 3856. Whenever the maps, field notes of surveys or other records, or any part thereof, of the surveyor's office in any county or land district, shall from any cause be lost or destroyed, or when any new county shall organize, or new land district is created, it shall be the duty of such county or district surveyor to obtain from the Commissioner of the General Land Office a transcript of such maps, field notes of surveys, or other records of his office of his county or land district, certified to as required by law, and for obtaining which he shall be entitled to five cents per hundred words, to be paid by the commissioners' court of his county; said transcript of records so certified shall answer all the purposes and have the same force and effect in law that the original could have.

Approved March 31st, 1885.

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S. H. B. No. 72.]

## CHAPTER 102.

An Act to amend 4367 of the Revised Statutes.

Section 1. Be it enacted by the Legislature of the State of Texas: That article 4367 of the Revised Statutes be so amended as to hereafter read as follows:

Article 4367. All roads hereafter ordered to be made shall be laid out by a jury of free-holders of the county to be appointed by the commissioners' court. Said jury shall consist of five persons a majority of whom may proceed, with or without the county surveyor, as ordered by the commissioners' court, to lay out, survey and describe such road to the greatest advantage to the public, and so that the same can be traced with certainty; and the field notes of such survey, or description of the road, shall be included in the report of the jury; and, if adopted, shall be recorded in the minutes of the commissioners' court.

Approved March 31st, 1885.

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H. B. No. 590.]

## CHAPTER 103.

An Act supplemental to and amendatory of an act entitled an act to amend chapter 79 of the acts of 1883, entitled an act to amend section 46 of an act to encourage stock raising and to protect stock raisers, approved April 22, 1879, and amended April 4, 1881, and April 12, 1883, and as amended at the present session of the Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas: That section 46 of the above recited act shall hereafter read as follows:

Section 46. That the counties of Anderson, Austin, Angelina, Bell, Bowie, Brazos, Burleson, Bastrop, Camp, Cass, Chambers, Cherokee, Collin, Colorado, Cooke, Dallas, Delta, Denton, Ellis, Fannin, Franklin, Falls, Galveston, Goliad, Grayson, Gregg, Grimes, Hardin, Harrison, Henderson, Hill, Hunt, Jackson, Jasper, Jefferson, Johnson, Kaufman, Lamar, Lee, Leon, Liberty, Madison, Marion, Montgomery, Morris, Nacogdoches, Newton, Orange, Panola, Parker, Pecos, Polk, Raines, Red River, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Tarrant, Titus, Trinity, Tyler, Upshur, Van Zandt, Walker, Washington, De Witt, Wise, Wood, Jack, Calhoun, Young, Wheeler, Lavaca, Oldham, Nueces, Bee, Refugio, Limestone, San Patricio, Donley, Montague, and the unorganized counties attached to Wheeler, Oldham and Donley counties are hereby exempt from the operations of this act and the provisions of the same shall in nowise relate or apply to the aforesaid counties; provided that in those counties bordering on the lines of the State except those bordering on Red River, whether organized or unorganized the Governor shall appoint an inspector whose duty it shall be to inspect under the provisions of this act all stock about to be driven or shipped out of the State or in any other county exempt from the operations of this act when there is a depot or place for the shipment of cattle; provided that such cattle shall not be subject to inspection on board of any railroad unless the same have been placed on board of such train for the purpose of evading the provisions of this act; and provided further that the counties of Limestone, Gonzales, McLennan, Bell, Calhoun, Navarro, Hood, Houston, Somervell, Bosque, Jackson, Austin, Freestone, Coryell and Hamilton shall be exempt from all laws regulating inspection of hides; and provided further that the Governor is hereby authorized and required to appoint one inspector of animals for Freestone county who shall hold his office until the next general election and until his successor shall be elected and qualified.

Section 2. The Governor shall appoint inspectors in counties not exempt from the operations of the act which failed to elect such officers at the late general election.

Section 3. The near approach of the close of the session of the 19th Legislature creates an emergency and imperative public necessity the constitutional rules requiring bills to be read on three several days be suspended and this act take effect from and after its passage, and it is so enacted.

I hereby certify that H. B. No. 590 originated in the House and passed the same March 30, 1885.

A. D. SADLER,  
Chief Clerk House of Representatives.

I hereby certify that H. B. No. 590 passed the Senate March 31st, 1885.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved March 31st, 1885.



H. B. No. 532.]

## CHAPTER 104.

An Act to restore the civil jurisdiction of the county court of Orange county and to repeal all laws in conflict therewith.

Section 1. Be it enacted by the Legislature of the State of Texas: That all the civil jurisdiction which the county court of Orange county had under the Constitution and laws of the State of Texas prior to the 27th day of March 1879, be and the same is hereby fully restored, and that so much of the act approved March 27th, 1879, entitled "An act to diminish the civil and criminal jurisdiction of the county courts of certain counties in this State, and conform the jurisdiction of the district courts of said counties to such change as relates to the civil jurisdiction of the county court of Orange county, be and the same is hereby repealed.

Section 2. That all civil causes now pending in the district court of Orange county, over which the county court of said county has exclusive jurisdiction under the provisions of this act and the laws giving jurisdiction to county courts shall be transferred to the county court of said county.

Section 3. That the clerk of the district court of the county of Orange shall within thirty days from the date that this act takes effect, transfer to the clerk of the county court of said county all the original papers in causes transferred under this act, together with a certified transcript of all the entries made on the docket of the district court in such causes, and a certified bill of all costs accrued in such causes, and for making out such transcript of the docket, the clerk of the district court shall be allowed such fees as are now allowed for making out transcripts in cases of appeals, such fees to be taxed as costs in such suits.

Section 4. The fact that the time for the adjournment of this session of the Legislature is so near that this bill cannot be considered by both houses unless the rule requiring it to be read on three several days is suspended creates a necessity, for the suspension of said rules and it is suspended, adopted March 30, 1885.

Approved March 31st, 1885.

S. H. B. No. 170.]

## CHAPTER 105.

An Act to provide annual pensions for the surviving indigent soldiers or indigent volunteers of the Texas Revolution, and the indigent surviving signers of the Declaration of Independence, and the indigent surviving widows of such soldiers, volunteers or signers, and to repeal all laws and parts of laws in conflict therewith.

Section 1. Be it enacted by the Legislature of the State of Texas: That to every surviving indigent soldier or indigent volunteer who was in the actual military service of Texas at the time of the siege of Bexar in December 1835, or at the time of the battle of San Jacinto in April 1836, or who was in such actual military service for as much as six weeks between the

commencement of the Revolution at Gonzales in 1835 and the first day of July 1836, and to every indigent surviving signer of the Declaration of the Independence of Texas, and to every indigent surviving widow of any such soldier, volunteer or signer, who is and who has always been unmarried since the death of such soldier, volunteer or signer, and so long as such widow may remain unmarried, there shall be, and is hereby granted an annual pension of one hundred and fifty dollars, as hereinafter provided.

Section 2. Each applicant for a pension under this act shall make application in writing for the same to the county judge of the county of his or her residence, and shall post a copy of such application on the court house door of the county, for at least thirty days before the application is acted on by the county judge. Such application shall state the name, age and residence of the applicant; whether or not this applicant received any pension or veteran donation land certificate under any previous law; a list of the real and personal property owned by the applicant and the present value of the same, and what property and the value thereof that such applicant has sold or conveyed within twelve months prior to the date of such application, and shall further state that the applicant is in indigent circumstances, and is dependent upon his or her labor, or on the charity of others for a support; provided, that the word "indigent," within the meaning of this act, shall not allow the ownership of property to exceed one thousand dollars; and that the applicant has not transferred to others any property or values of any kind for the purpose of becoming a beneficiary under this act; and still further that such applicant is and was for ten years preceding the date of the passage of this act a bona fide resident citizen of this State, and in addition to the foregoing each male applicant shall further state the time he rendered such service and the command he served in, and each female applicant shall state the name of her deceased husband, the date of his death, that she is unmarried and has so remained since the death of the husband for whose services she claims a pension, and shall further state, as accurately as she can, the time her said deceased husband rendered such service and the command he served in. Should the applicant be a signer of such Declaration of Independence or a widow of such signer, he or she shall state all that is hereinbefore required, except as to the military service, and in lieu of which it shall state that the applicant was a signer of such Declaration of Independence, or is the widow of such signer, which application shall be subscribed and sworn to by the applicant, and the same shall be supported by affidavits of at least two creditable witnesses who reside in the State, and shall show that the facts stated by the applicant are true, and that the applicant is known and regarded in his or her neighborhood as a Texas veteran or signer of the Declaration of Independence, or the widow of a Texas veteran or signer of the Declaration of Independence.

Section 3. Such application so signed and sworn to by the applicant and two credible witnesses, shall be presented to the county judge, who shall, in open court, at a regular term thereof,

hear evidence as to the truth of the statements made in such application; and, if he believe from the evidence, that the applicant really performed the service for which the pension is claimed, or is a widow of a soldier or volunteer of the Texas Revolution, or of a signer of the Declaration of Texas Independence; that he or she is now, and was at the time of the passage of this act, and for ten years previous thereto, a bona fide resident of the State of Texas; that the applicant is in indigent circumstances, and is dependent on his or her labor or on the charity of others for a support, and has not at any time transferred any property for the purpose of becoming a beneficiary under this act; then he shall make his certificate under the seal of his office, attested by the county clerk, reciting the facts as shown by the evidence. Upon the hearing of such application the State shall be represented by the county or district attorney, and it shall be the duty of such attorney to summon witnesses to testify in behalf of the State who know the pecuniary condition of the applicant or any other facts affecting the rights of the applicant to obtain a pension, and to examine the assessor's rolls and the records of his county and any other source of information which may seem to him advisable, and he shall prepare a statement of the testimony given by each witness, including the name of such witness and, also, of the facts disclosed by investigating any other source of information, which statements shall be approved by the county judge. For his services in behalf of the State the attorney shall be allowed a fee of ten dollars, to be paid, as follows: He shall present his account for the same to the county judge, who shall approve it if he find it correct, shall date and sign the same officially, and shall cause it to be filed in the office of the county clerk. The said judge shall thereupon give to the attorney a draft upon the county treasurer, and the same when presented to the treasurer shall be paid out of any moneys in his hands not otherwise legally appropriated, in the same manner as jury certificates are paid. Provided, that if the applicant shall be proved not to be an indigent, and shall have his application defeated on that ground, then the attorney representing the State shall be entitled to an additional fee of ten dollars to be taxed against the applicant as costs of suit.

Section 4. Such application so prepared and certified to, together with the statements of the county judge and attorney hereinbefore provided for, shall be filed with the Comptroller of Public Accounts, whose duty it shall be to examine critically such application and statements, and any other accessible evidence that may prove or disprove the right of the applicant to claim a pension, and may require further proof of the statements made in such application, and, if in his opinion, the applicant has not established his or her legal right to a pension then he shall refuse such application and file reasons therefor in his office, provided, no pension shall be granted any one under this act whose claim has been rejected by the Veteran Board of this State as fraudulent.

Section 5. No person shall be entitled to receive a pension under this act, unless it shall be made to appear to the Comp-

troller, from the evidence, that said person is in indigent circumstances, and is dependent upon his labor or the charity of others for a support.

Section 6. The pension herein provided for shall begin at the date when the Comptroller receives the application, and shall be paid quarterly in advance. The Comptroller shall draw his warrant for the same on the Treasurer, and upon presentation the Treasurer shall pay the same out of any moneys in the treasury which may be appropriated for this purpose.

Section 7. On or after the first of each quarter, the pensioner shall make his affidavit stating the county of his residence, and that he is the identical person to whom a pension has been granted under this act, which affidavit shall be supported by the affidavit of some other credible person to the same fact, and which affidavit may be made before any one authorized to administer oaths, which affidavit shall be filed with the Comptroller, and upon the filing of the same, the Comptroller shall draw his warrant for the quarter found to be due.

Section 8. It shall be the duty of the district judges of this State to specially charge every session of the grand jury to investigate violations of this act.

Section 9. No person shall receive a greater fee than ten dollars to procure a pension for another, and any contract for a larger sum shall not be enforced by the courts.

Section 10. It shall be the duty of the Comptroller, at least once in each year, to forward to the county judge a printed list of the pensioners in their respective counties, which list shall be posted in a conspicuous place in the office of said judge. It shall also be the duty of the Comptroller, on the application of a grand jury to forward to it, through the district clerk of the county in which the grand jury is convened, copies of any or all original papers on file in his office connected with an application for a pension, which said grand jury may desire to investigate, and such copies with their correctness attested by the Comptroller shall have the same force and value in a court of law that the original papers would have had.

Section 11. The act approved on the 28th day of March 1883 entitled "An act to provide annual pensions for the surviving soldiers or volunteers of the Texas Revolution and the surviving signers of the Declaration of Independence of Texas, and the surviving widows of such soldiers or volunteers and signers," under which pensions are now being paid, be, and the same is hereby repealed, and no pensions shall hereafter be paid under said act.

Section 12. The importance of this bill and the near approach of the close of the session, create an imperative public necessity and emergency demanding the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect from and after its passage, and it is so enacted.

I hereby certify that S. H. B. No. 170 originated in the House and passed the same March 25th, 1885.

A. D. SADLER,  
Chief Clerk House of Representatives.

I hereby certify that S. H. B. No. 170 passed the Senate March —, 1885.

WM. NEAL RAMEY,  
Secretary of the Senate.

NOTE.—The foregoing act was presented to the Governor for his approval on the 31st day of March, A. D. 1885, but was not signed by him or returned to the House in which it originated, with his objections thereto, within the time prescribed by the Constitution, and it thereupon became a law without his signature.

J. W. BAINES,  
Secretary of State.

S. B. No. 253.]

CHAPTER 106.

An Act to amend article 542 of the Revised Statutes.

Section 1. Be it enacted by the Legislature of the State of Texas: That article 542 of the Revised Statutes shall hereafter read as follows, to-wit:

Article 542. The Governor of the State of Texas is hereby authorized to name, appoint, and commission one or more persons in each or any of the other States of the United States, the District of Columbia, or in each or any of the territories of the United States, or in each or any foreign country, upon the recommendation of the executive authority of said States, District of Columbia, or territories or foreign country, as he may deem expedient, which commissioners shall hold office for two years or until their successors are qualified, and shall have authority to take the acknowledgments and proofs of the execution of any deed, mortgage, or other conveyance of any lands, tenements, or hereditaments, and also to take the privy examination, acknowledgment and declaration of married women as to all such instruments when executed by them.

Section 2. Whereas in foreign countries exorbitant fees are now being charged citizens of this State, who are under legal requisites, for the registration of documents; and whereas, foreign officers who are now authorized to take acknowledgments of instruments in writing, are not familiar with the laws of this State, regarding acknowledgments; therefore, an emergency and public necessity arise which require the suspension of the constitutional rule that all bills should be read on three several days, and the said rule is suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

I do hereby certify that the within S. B. No. 253 originated in the Senate and passed the same by a vote of 23 ayes, no nays, March 23, 1885.

WM. NEAL RAMEY,  
Secretary of the Senate.

I do hereby certify that the within S. B. No. 253 passed the House by a vote of 78 ayes, March 30, 1885.

A. D. SADLER,  
Chief Clerk House of Representatives.

Approved March 31st, 1885.

H. B. No. 398.]

CHAPTER 107.

An Act to authorize cities and towns to levy and collect taxes for the erection, construction or purchase of public buildings, streets, sewers and other permanent improvemnts.

Section 1. Be it enacted by the Legislature of the State of Texas: That the city or town council or board of aldermen of any incorporated city or town within the limits of this State shall have power, by ordinance, to levy and collect an annual ad valorem tax of not exceeding twenty-five cents on the one hundred dollars valuation of taxable property within such city or town for the erection, construction or purchase of public buildings, streets, sewers and other permanent improvements within the limits of such city or town. Within the meaning of this act shall be included building sites and buildings for public free schools and institutions of learning within those cities and towns which have assumed or which may hereafter assume the exclusive control and management of the public free schools and institutions of learning within their limits.

Section 2. Whereas many cities and towns of this State are without the necessary funds to defray the expense of erecting public buildings and other needed permanent improvements for the reason that no law has been enacted to conform the tax law of such cities and towns to the amended Constitution, therefore, an emergency exists, and an imperative public necessity demands the suspension of the constitutional rule requiring the bill to be read on three several days in each house, and said rule is so suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

I hereby certify that H. B. No. 398 originated in the House and passed the same March 12th, 1885.

A. D. SADLER,  
Chief Clerk House of Representatives.

I hereby certify that H. B. No. 398 passed the Senate March 25th, 1885; ayes 22, nays none.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved March 31, 1885.

S. B. No. 257.]

## CHAPTER 108.

An Act to amend an act entitled an act to amend article 3994 of title 80 of the Revised Civil Statutes, approved April 4, 1881.

Section 1. Be it enacted by the Legislature of the State of Texas: That article 3994 of the Revised Statutes, as amended by the above recited act, be, and the same is hereby, amended so as to read as follows:

Article 3994. The public printing shall be divided into four classes, as follows:

First: The first class shall include the printing and binding of the laws, journals, department reports, Governor's messages, and like documents, which shall be printed on white calendered book paper, of uniform color, 25x38 inches in size, and weighing not less than forty-five pounds to the ream, from long primer type (except tabular work, which may be from such type smaller than long primer as the nature of the work and good taste may require); the pages of the laws, department reports, Governor's messages and like documents, to be twenty-six ems pica wide, and forty-six ems pica long, including head and foot lines, and to contain not less than eighteen hundred and twenty-four ems; and the journals shall be printed in octavo form, the pages to be twenty-six and one-half ems pica wide, and forty-six ems pica long, including head and foot lines, from brevier type, two columns to the page, each column thirteen ems pica wide, and each page to contain not less than twenty-eight hundred ems. When printed the laws and reports shall be neatly folded, stitched, covered, and trimmed, and the journals and messages, folded, stitched and trimmed. Cover paper shall be not less than thirty-five pounds to the ream. The index to the laws shall be printed from brevier type, and the index to the journals from nonpareil type. The maximum prices for the material and work of the first class shall be: For paper, white and cover, per pound, fifteen cents; and no allowance shall be made for waste; composition, seventy-five cents per one thousand ems, printer's measurement; press work, sixteen pages to the form, unless the nature of the work requires a smaller number of pages, fifty cents per token of two hundred and forty impressions or less; binding, forty cents per one hundred for folding, stitching, covering, and trimming first signature of sixteen pages, and twenty cents per one hundred for each additional signature of sixteen pages or less; for folding, stitching, and trimming without covering, thirty cents per one hundred for first signature of sixteen pages, and fifteen cents per one hundred for each additional signature of sixteen pages or less. No matter shall be leaded except by the express direction of the printing board. The printing board shall, at the same time the contract is let for the printing of the journals of the two houses of the Legislature, include in said contract the printing and delivery of each day's proceedings of the two houses while in session, the same to be printed in octavo form as provided in this act for the printing of the regular journals of the two houses, five hundred copies for the use of

the House of Representatives, and two hundred copies for the use of the Senate, the same to be delivered by the hour of meeting of the day following that on which such proceedings were had.

Second: Work of the second class shall consist of all blanks and printed stationery required by any department of the State government except the judicial department, and shall be on first-class sized and calendered white wove unruled flat papers of such dimensions and weights as the nature of the work may require. The maximum prices for such work shall be as follows: For composition, fifty cents per one thousand ems, printer's measurement; for presswork on forms the size of flat cap sheet or less, forty cents per token; on forms larger than flat cap, fifty cents per token; and a token shall be two hundred and forty impressions or less when the number of copies of a job ordered shall require a less number of impressions. The maximum price for paper required for work of the second class shall be twenty-five cents per pound. For ruling work of the second class the maximum price shall be twenty cents per one hundred sheets for each actual and necessary passage through the ruling machine. For numbering, with a numbering or paging machine, per one hundred pages, or per one hundred numbers, ten cents. For binding work of the second class the maximum price shall be: For pads of one hundred copies each, of any printed job, quarter sheet cap, demy, post, or medium, per pad five cents; for pads of two hundred copies of any printed job, half sheet cap, demy, post, or medium, per pad ten cents; for quarter binding quarter sheet cap, demy, post, or medium, per quire ten cents; for quarter binding half sheet cap, demy, post, or medium, per quire fifteen cents; for quarter binding whole sheet cap, demy, post, or medium, per quire, twenty cents; for half binding quarter sheet cap, demy, post, or medium, per quire twenty-five cents; for half binding half sheet cap, demy, post, or medium, per quire thirty-five cents; for half binding whole sheet cap, demy, post, or medium, per quire forty-five cents. A quire within the meaning here intended for binding work of the second class is not less than forty leaves.

Third: Work of the third class shall consist of blank books, either ruled and printed, or ruled without printing. The paper shall be made of linen stock, and of the quality known among paper dealers as "P" paper; and the maximum prices shall be as follows: Cap paper, eighteen pounds to the ream, plain ruled, half bound, sixty cents per quire; ditto printed heads, eighty-five cents per quire; ditto, plain ruled, extra full bound, one dollar per quire; ditto, printed heads, one dollar and twenty-five cents per quire: Demy paper, twenty-eight pounds to the ream, plain ruled, half bound, seventy-five cents per quire; ditto, printed heads, one dollar per quire; ditto, plain ruled, extra full bound, one dollar and twenty-five cents per quire; ditto, printed heads, one dollar and fifty cents per quire: Medium paper, forty pounds to the ream, extra full bound, Russia leather ends and bands, canvass cover with Russia leather corners, plain ruled, three dollars per quire; ditto, printed heads, four dollars per quire; Super Royal paper, fifty-four pounds to the



ream, extra full bound, Russia leather ends and bands, canvas cover with Russia leather corners, plain ruled, four dollars and fifty cents per quire; ditto, printed heads, five dollars per quire. A quire shall be not less than forty leaves, in work of the third class. No extra charges to be allowed for voveling, paging, labeling, lettering, or gilding. Where changes in the printed heads occur in any blank book ordered, the maximum price shall be fifty cents for each change in the ruling and printing together.

Fourth: Work of the fourth class shall consist of the printing of bills, resolutions, committee reports and such other like work as may be ordered by the Legislature, or either house thereof, and shall be on first class sized and calendered white wove flat cap paper of fourteen pounds to the ream, printed on pica type, lines numbered in the margin, with space between the lines of the size of pica, the printing to be thirty-six ems pica wide, and sixty-five ems in length. The maximum price for work of the fourth class shall be: for two hundred copies, or any number of copies less than two hundred ordered by either house of the Legislature, including composition, paper, presswork and binding, two dollars per page for as many pages as are contained in one copy thereof, and when more than two hundred copies of work mentioned in this class are ordered by either house of the Legislature, the printer shall be paid only for the paper, presswork and binding of such additional copies, at such rates as are contracted for, for work of the second class.

Provided: That the printing board in having schedules prepared for the use of bidders for the first and second classes of printing, may fix other and lower maximum prices than those designated in this article for work and material of the first and second classes of printing; and that such schedules may call for bids by the ream on all papers required for the first and second classes, giving dimensions and weights, in nowise to exceed the basis of twenty-five cents per pound, or may call for bids by the pound for all papers required for said classes.

And provided: That the printing board may in their discretion receive separate proposals and make separate contract for furnishing in part or all the printing papers required under the provisions of this article for the printing of the first and second classes, under like conditions required by law for contracts to do the printing and furnish the paper; and in event of such separate contract, the printing board shall cause the papers so furnished to the State to be delivered to the contractor to do the printing and binding, on written requisition of such contractor and under proper guards and checks, at such times and in such quantities as the requisites of any job or jobs of printing may require.

Sec. 2. Nothing in this act shall be so construed as to interfere with any contract to do the public printing and binding in force at the time of the passage of this act.

Sec. 3. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Section 4. Whereas, the near approach of the end of the present session, creates an imperative public necessity requiring

the suspension of the rule requiring bills to be read on three several days, therefore said rule is hereby suspended.

Approved March 31st, 1885.

S. H. B. No. 567.]

CHAPTER 109.

An Act to restore the jurisdiction of the county courts of Tyler, Concho and Erath counties, and to repeal all laws in conflict therewith.

Section 1. Be it enacted by the Legislature of the State of Texas, That the county courts of Tyler, Concho and Erath counties shall have concurrent original jurisdiction of all misdemeanors of which exclusive original jurisdiction is not given to the justices courts, as the same are now and may be hereafter, prescribed by law, and exclusive original jurisdiction of all misdemeanors when the fine to be imposed shall exceed two hundred dollars, or when the punishment is by imprisonment in the county jail, either absolutely or in the alternative; and they shall have exclusive original jurisdiction in all civil cases when the matter in controversy shall exceed in value two hundred dollars and not exceed five hundred dollars, exclusive of interest, and concurrent jurisdiction with the district courts, when the matter in controversy shall exceed five hundred and not exceed one thousand dollars, exclusive of interest, but shall not have jurisdiction of suits for the recovery of land. They shall have appellate jurisdiction in cases, civil and criminal of which justices courts have original jurisdiction, under such regulations as are now, or may hereafter be, prescribed by law. In all appeals from justice courts there shall be a trial de novo in the county court, and an appeal shall lie to the Court of Appeals under such regulations as may be prescribed by law. The county court shall have the general jurisdiction of a probate court. They shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis and common drunkards, grant letters testamentary and of administration, settle accounts of executors, administrators and guardians, transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis and common drunkards, including the settlement, partition and distribution of estates of deceased persons, and to apprentice minors as provided by law. And the county court or judge thereof shall have power to issue writs of mandamus, injunction and all other writs necessary to the enforcement of the jurisdiction of said courts; and to issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of the county court, or any other court or tribunal inferior to said court.

Section 2. That all causes now pending in the district courts of Tyler, Concho and Erath counties of which the county courts of said counties have jurisdiction under the provisions of this act, and all laws giving jurisdiction to the county courts, shall be transferred to the county courts of said county.

Section 3. The clerks of the district courts of said counties of Tyler, Concho and Erath shall thirty days from the date this

act takes effect, transfer to the clerk of the county court of said counties all the original papers in causes transferred under this act together with a certified transcript of all entries made on the docket of the district courts in such causes, and a certified bill of all costs accrued in such causes; and for making out such transcript of the docket, the clerk of the district court shall be allowed such fees as are now allowed by law for making out transcripts in cases of appeals, such fees to be taxed as costs in such suits.

Section 4. That all laws and parts of laws in conflict with the provisions of this act be and they are hereby repealed.

Section 5. The near approach of the close of the session and the best interests of said counties create an imperative public necessity and an emergency that the constitutional rule requiring bills to be read on three several days, be suspended, and it is so enacted.

Approved March 31st, 1885.

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H. B. No. 287.]

CHAPTER 110.

An Act to amend article 3969 title LXXIX, Revised Civil Statutes.

Section 1. Be it enacted by the Legislature of the State of Texas: That article 3969, title LXXIX, Revised Civil Statutes, be so amended as to hereafter read as follows:

Article 3969. All reservations of the public domain for the benefit of any railroad or railroad company heretofore made by law, and the right to which reservation has lapsed since January 1st 1872, or may hereafter lapse are hereby declared then to have been severed from the mass of the public domain; and, in event of forfeiture to the State, are expressly reserved from location except by actual settlers under chapters eight and nine, title LXXIX Revised Civil Statutes.

NOTE.—The foregoing act was presented to the Governor for his approval on the 31st day of March, A. D. 1885, but was not signed by him or returned to the house in which it originated, with his objections thereto, within the time prescribed by the Constitution, and thereupon became a law without his signature.

J. W. BAINES,  
Secretary of State.

## H. B. No. 439.]

## CHAPTER 111.

An Act to amend sections one and two of an act to amend an act entitled "An act to amend article 4662, chapter 1, title 95 of the Revised Statutes as amended and approved May 4, A. D. 1882 and to amend articles 4666 and 4668, chapter 1, title 95 of the Revised Civil Statutes, to reduce taxation for general revenue purposes, to conform the tax laws to the amended Constitution, and to provide for the levy and collection of a tax to maintain a system of free schools under the amended Constitution, and to better regulate the taxation of banking corporations, State or national, and the shares therein, by adding another section to be known as section 2a.

Section 1. Be it enacted by the Legislature of the State of Texas: That article 4662, included in section 1 of the above recited act, be so amended as to hereafter read as follows:

Article 4662. There shall be levied and collected an annual ad valorem State tax of twenty-five cents on the one hundred dollars for general revenue purposes, and twelve and one-half cents on the one hundred dollars for the maintenance of the public free schools, of the cash value thereof estimated in lawful currency of the United States, on all real property situated, and all movable property owned in the State on the first day of January in each and every year, and all property sent out of the State for the purpose of avoiding the payment of taxes thereon, if owned on the said first day of January except so much thereof as may be exempted by the Constitution and laws of this State, which cash value shall be estimated under oath by the person, firm, company, or association assessed, or by his or their agent or attorney, making assessment for said person, firm, company or association.

Section 2. That articles 4666 and 4668 of section 2 of the above recited act be so amended as to hereafter read as follows:

Articles 4666 and 4668. The commissioners' courts of the several counties of this State shall have power to levy, for county revenue purposes, a tax of one-fourth of one per centum, and for roads and bridges fifteen cents on the one hundred dollars valuation of all property subject to State tax by the provisions of this act, and shall have power to levy a special tax for the further maintenance of public free schools and the erection within each school district, of school buildings therein in counties not exempt from the district school system, provided, two-thirds of the qualified property tax paying voters of the district, voting at an election to be held for the purpose, shall vote such tax, not to exceed in any year, twenty cents on the one hundred dollars valuation of the property subject to taxation in such district, and shall have the right to levy one-half of the occupation tax levied by the State upon all occupations not herein otherwise specially exempted. Provided, any one wishing to pursue any of the vocations named in this chapter, upon which a county occupation tax may be levied, may do so by paying the same quarterly; and provided further, the receipt of the proper officer under seal shall be prima facie evidence of the payment of such taxes as are herein named; and provided further, the provisions of this act shall not be deemed to effect the provi-

sions of any law, specially authorizing any commissioners' court to levy a different rate of tax; and provided further, no person shall be allowed license for selling intoxicating or spirituous liquors, or for keeping any nine or tenpin alley, or billiard, bagatelle, pigeon hole, Jenny Lind, devil among the tailors table, or any thing of the kind used for profit, for a period of less than twelve months. And, provided further, the mayor and board of aldermen of any incorporated town or city shall in no case levy a greater tax on any occupation than that authorized by this chapter to be levied by the county commissioners' court; and be it further provided, that in all cases where any dealer in merchandise, wares or goods of any kind, subject to ad valorem or occupation taxes, or both, under the provisions of this act, who shall after the rendition of said merchandise, wares or goods for taxation, or after becoming liable for any occupation tax, become bankrupt or make assignment of said merchandise, wares or goods, then the collector of taxes shall at once present to the receiver or assignee of said dealer for payment of the amount due for said taxes, by said dealer, and in case of failure of said receiver or assignee, to at once pay the amount of said taxes, the said collector shall levy upon, seize and sell, from the said merchandise, wares or goods, enough to satisfy the amount of said taxes, and said taxes until paid, shall constitute a prior lien on said merchandise, goods and wares in default of said taxes.

Section 2a. Every banking corporation, State or national, doing business in this State shall, in the city or town in which it is located, render its real estate to the assessor of taxes at the time and in the manner required of individuals. At the time of making such rendition the president or some other officer of said bank shall file with said assessor a sworn statement showing the number and amount of the shares of said bank, the name and residence of each shareholder, and the number and amount of shares owned by him. Every shareholder of said bank shall, in the city or town where said bank is located, render at their actual value to the assessor of taxes all shares owned by him in such bank; and in case of his failure so to do, the assessor shall assess such unrendered shares as other unrendered property. Each share in such bank shall be taxed only for the difference between its actual cash value, and the proportionate amount per share at which its real estate is assessed. The taxes due upon the shares of banking corporations shall be a lien thereon, and no banking corporation shall pay any dividend to any shareholder who is in default in the payment of taxes due on his shares; nor shall any banking corporation permit the transfer upon its books of any share, the owner of which is in default in the payment of his taxes upon the same.

Nothing herein shall be so construed as to tax national or State banks, or the shareholders thereof, at a greater rate than is assessed against other moneyed capital in the hands of individuals.

Section 3. Whereas, the various county commissioners courts in the State are about to levy taxes for the present year, there-

fore an emergency exists that this act shall take effect from and after its passage and an imperative public necessity demands that the rule requiring this bill to be read on three several days in each house shall be suspended and it is so enacted.

Approved March 31st, 1885.

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H. B. No. 373.]

CHAPTER 112.

An Act to authorize the collector of a newly organized county to collect the unpaid taxes found to be due in his county by the assessor's rolls of the county or counties from which such county has been taken or to which it has been attached for judicial purposes, and to provide for making transcripts from such rolls for the use of the collector in the new county.

Section 1. Be it enacted by the Legislature of the State of Texas, That where any county now, or hereafter created out of a part of any one or more organized counties, or when any unorganized county may be organized by the election and qualification of its officers, it shall be the duty of the person in charge of the assessor's roll in the county or counties from which such new county, or any part of it has been taken, or to which such unorganized county has been attached for judicial purposes, to allow such person as the commissioners' court of the newly organized county may appoint for that purpose, access to the rolls for the purpose of making the transcripts hereinafter provided for.

Section 2. That it shall be the duty of the person, so appointed, to make from such assessor's rolls two transcripts of the unpaid assessments, both on person and property, in that portion of the county included within the limits of the new county, or, as the case may be, in the limits of the former unorganized county.

Section 3. The collector of the county from which such territory has been taken, or to which such unorganized county has been attached, shall examine and verify the transcripts herein provided for, and attest their correctness over his official signature. For such service he shall receive twenty dollars from the county, for which the transcript has been made, to be paid on the order of its commissioners' court. He shall also have the commissioners' court of his county to approve the transcript rolls, and shall deliver one of them to the collector of the new county; the other he shall forward to the Comptroller, and, when received by the Comptroller, it shall authorize him to give the proper credit to the collector of the old county, and to charge the same to the collector of the new county.

Section 4. The collector of such new county shall receive the same compensation, and shall have the same authority to collect and enforce the collection of the taxes found to be due by such transcripts as is enjoyed by the collectors of the other counties in this State.

Section 5. The person selected by the commissioners' court of the new county to make such transcripts shall receive for his services such compensation as he may agree on with such commissioners' court.

Section 6. The near approach of the close of the present session, and the urgent necessity for the collection of taxes in newly organized counties, creates an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended; and that this act take effect from and after its passage, and it is so enacted.

I hereby certify that H. B. No. 373 originated in the House and passed the same March 17th, 1885, by a two-thirds vote, ayes 81.

A. D. SADLER,  
Chief Clerk House of Representatives.

I hereby certify that H. B. No. 373 passed the Senate March 27th, 1885, by ayes 22, nays none.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved March 31st, 1885.

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S. S. Bs. Nos. 271 and 274.]

#### CHAPTER 113.

An Act to re-organize the thirtieth, thirty-first, thirty-second and thirty-third judicial districts, to create the thirty-ninth judicial district and to fix the times for holding courts therein, and to provide for the appointment and election of judges and district attorneys in said thirty-ninth judicial district.

Section 1. Be it enacted by the Legislature of the State of Texas: That the thirtieth judicial district shall be composed of the counties of Jack, Young, Archer, Clay, Wichita and Wilbarger, and terms of the district court shall be held therein each year as follows:

In the county of Jack on the second Mondays in January and July and may continue in session four weeks.

In the county of Young on the fifth Mondays after the first Mondays in January and July and may continue in session three weeks.

In the county of Archer on the eighth Mondays after the first Mondays in January and July and may continue in session two weeks.

In the county of Clay on the tenth Mondays after the first Mondays in January and July and may continue in session six weeks.

In the county of Wichita on the sixteenth Mondays after the first Mondays in January and July and may continue in session four weeks.

In the county of Wilbarger on the twentieth Mondays after the first Mondays in January and July and may continue in session until the business is disposed of.

Section 2. That the thirty-first judicial district shall be com-

posed of the counties of Wheeler, Oldham and Donley, and the unorganized counties of Greer, Collingsworth, Childress, Hall, Floyd, Briscoe, Swisher, Hale, Castro, Parmer, Deaf Smith, Randall, Armstrong, Gray, Carson, Potter, Hartley, Moore, Hutchinson, Roberts, Hemphill, Lipscomb, Ochiltree, Hansford, Sherman and Dallam, and terms of the district court shall be held therein each year as follows:

In the county of Donley on the first Mondays in January and July and may continue in session four weeks.

In the county of Wheeler on the first Mondays in April and November and may continue in session four weeks.

In the county of Oldham on the first Mondays in May and October and may continue in session four weeks.

The unorganized counties of Carson, Armstrong, Swisher, Hale, Floyd, Briscoe, Hall, and Childress are attached to the county of Donley for judicial purposes, the unorganized counties of Sherman, Moore, Potter, Castro, Parmer, Deaf Smith, Hartley, Dallam and Randall are attached to the county of Oldham for judicial purposes, and the unorganized counties of Greer, Collingsworth, Gray, Hutchinson, Hansford, Ochiltree, Roberts, Hemphill, and Lipscomb are attached to the county of Wheeler for judicial purposes.

Section 3. That the thirty-second judicial district shall be composed of the counties of Tom Green, Runnels, Taylor, Nolan, Martin, Howard, Mitchell and the unorganized counties of Lynn, Terry, Yoakum, Dawson, Borden, Gaines, Andrews and Midland. Also the unorganized county of Fisher shall be and remain a part of the thirty-second judicial district until it is organized, and when said county of Fisher is organized it shall be and become a part of the thirty-ninth judicial district, and terms of the district court shall be held therein each year as follows:

In the county of Tom Green on the first Mondays in February and September and may continue in session three weeks.

In the county of Runnels on the fourth Mondays in February and September and may continue in session two weeks.

In the county of Taylor on the fifth Mondays after the first Mondays in February and September and may continue in session four weeks.

In the county of Nolan on the ninth Mondays after the first Mondays in February and September and may continue in session three weeks.

In the county of Martin on the twelfth Mondays after the first Mondays in February and September and may continue in session one week.

In the county of Howard on the thirteenth Mondays after the first Mondays in February and September and may continue in session two weeks.

In the county of Mitchell on the fifteenth Mondays after the first Mondays in February and September and may continue in session until the business is disposed of.

The unorganized counties of Lynn, Terry, Yoakum, Dawson and Borden, are attached for judicial purposes to the county of Howard.



The unorganized counties of Gaines, Andrews and Midland are attached for judicial purposes to the county of Martin, and the unorganized county of Fisher is attached for judicial purposes to the county of Nolan, but when said county of Fisher is organized it shall be and become a part of the thirty-ninth judicial district.

Section 4. That the thirty-third judicial district shall be composed of the counties of Blanco, Gillespie, Mason, Kimble, Menard, Concho, McCulloch, San Saba and Llano and the district courts shall be held therein each year as follows:

In the county of Blanco on the first Mondays in February and September and may continue in session two weeks.

In the county Gillespie on the third Mondays in February and September and may continue in session two weeks.

In the county of Mason on the fourth Mondays after the first Mondays in February and September and may continue in session two weeks.

In the county of Kimble on the sixth Mondays after the first Mondays in February and September and may continue in session two weeks.

In the county of Menard on the eighth Mondays after the first Mondays in February and September and may continue in session two weeks.

In the county of Concho on the tenth Mondays after the first Mondays in February and September and may continue in session two weeks.

In the county of McCulloch on the twelfth Mondays after the first Mondays in February and September and may continue in session two weeks.

In the county of San Saba on the fourteenth Mondays after the first Mondays in February and September and may continue in session three weeks.

In the county of Llano on the seventeenth Mondays after the first Mondays in February and September and may continue in session until the business is disposed of.

Section 5. That the thirty-ninth judicial district shall be composed of the counties of Hardeman, Baylor, Throckmorton, Haskell, Jones, and Scurry and the unorganized counties of Cottle, Motley, Knox, King, Dickens, Crosby, Lubbock, Hockley, Lamb, Bailey, Cochran, Garza, Kent and Stonewall, and the county of Fisher when organized shall be and become a part of the thirty-ninth judicial district, and terms of the district court shall be held each year therein as follows:

In the county of Hardeman on the second Mondays in February and August and may continue in session three weeks.

In the county of Baylor on the fourth Mondays after the first Mondays in February and August and may continue in session three weeks.

In the county of Throckmorton on the seventh Mondays after the first Mondays in February and August and may continue in session two weeks.

In the county of Haskell on the ninth Mondays after the first Mondays in February and August and may continue in session two weeks.

In the county of Jones on the eleventh Mondays after the first Mondays in February and August and may continue in session three weeks.

In the county of Scurry on the fourteenth Mondays after the first Mondays in February and August and may continue in session until the business is disposed of. The unorganized counties of Cottle and Motley are hereby attached to Hardeman county for judicial purposes.

The unorganized counties of Knox, King, Dickens, Crosby, Lubbock, Hockley, Lamb, Bailey and Cochrane are attached to the county of Baylor for judicial purposes.

The unorganized county of Stonewall is hereby attached to Jones county for judicial purposes.

The unorganized counties of Kent and Garza are hereby attached to Scurry county for judicial purposes.

The county of Fisher when organized shall be and become a part of the thirty-ninth judicial district and the district judge of said district shall thereupon immediately according to law fix a time for holding two terms of the district court in said county for each year and shall hold said courts at the times so fixed.

Section 6. That immediately after this law goes into effect the Governor shall appoint a suitable person for district judge and a suitable person for district attorney for said thirty-ninth judicial district and that a district judge and district attorney for said district be elected at the next general election and at subsequent elections according to existing laws.

Section 7. That the district judges and district attorneys heretofore lawfully elected or appointed and now acting for the thirtieth, thirty-first, thirty-second and thirty-third judicial districts shall continue in the exercise of their said offices respectively.

Section 8. That all process heretofore issued or served returnable in any of the counties of said judicial district shall be considered as returnable at the times herein prescribed and all such process is hereby legalized and all grand and petit jurors drawn and selected under existing laws in any of the counties in said judicial districts shall be considered as lawfully drawn and selected for the next term of the district courts of their respective counties after this act shall go into effect and all of such process is hereby legalized and validated.

Section 9. That this act take effect and be in force from and after the thirtieth day of June A. D. 1885, and all laws and parts of laws in conflict herewith are hereby repealed.

Section 10. The fact that the near approach of the close of this session renders it improbable that this bill can be considered on three several days, and the fact that it is desired and proper that this bill should go into effect within less than ninety days after the adjournment of this Legislature create an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days and that this act take effect and be in force from and after the thirtieth day of June, A. D. 1885, and it is so enacted.

I do hereby certify that the within S. S. Bs. [Nos. 271 and 274

originated in the Senate and passed the same by a vote of 23 ayes, no nays, March 23, 1885.

WM. NEAL RAMEY,  
Secretary of the Senate.

I do hereby certify that the within S. S. Bs. Nos. 271 and 274 passed the House by a four-fifth vote, March 28, 1885.

A. D. SADLER,  
Chief Clerk House of Representatives.

Approved April 1st, 1885.

H. B. No. 162.]

# CHAPTER 114.

An Act to amend article 2411 chapter 4, title 42 of the Revised Civil Statutes of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That article 2411, chapter 4, title 42 be so amended as to hereafter read as follows.

Article 2411. There shall be allowed to county judges, clerks of the district and county courts, sheriffs and county treasurers, such books, stationery, including blank bail bonds and blank complaints and office furniture as may be necessary for their offices, to be paid for on the order of the commissioners court out of the county treasury; and suitable offices shall also be provided by the commissioners court for said officers at the expense of the county. And that such books and stationery as are necessary in their performance of their duties shall also be furnished justices of the peace by said commissioners court.

Approved March 31st, 1885.

S. H. B. No. 370.]

# CHAPTER 115.

An Act making appropriations for the support of the State government for the years beginning March 1, 1885, and ending February 28, 1887, and for other purposes.

Section 1. Be it enacted by the Legislature of the State of Texas: That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the support of the State government for the years beginning March 1, 1885, and ending February 28, 1887, and for other purposes:

## Executive Office.

	— For years ending —	
	Feb. 28, 1886.	Feb. 28, 1887.
For salary of Governor.....	\$4,000	\$4,000
salary of private secretary.....	1,800	1,800
books, stationery, telegraphing and postage....	1,100	1,100
porter hire, executive office.....	500	500

— For years ending —  
Feb. 28, 1886. Feb. 28, 1887.

For labor to keep executive mansion in order and other contingent expenses for same, for wood, lights, etc., and for gas for mansion, and for furniture and contingents for executive office, and for keeping Governor's mansion in repair, and for telephone.....	\$1,100	\$1,100
paying the rewards, and for paying attorneys for prosecuting offenders against the laws of this State, for representing the State in civil cases, and for necessary expenses of such civil suits, to be under control and paid upon warrants issued on certificate of the Governor...	15,000	15,000

State Department

For salary of Secretary of State.....	2,000	2,000
salary of chief clerk.....	1,650	1,650
salary of first assistant clerk.....	1,400	1,400
salary of second assistant clerk.....	800	800
salary of extra clerk to prepare laws for printer.	200	200
freight, express and postage.....	1,500	1,500
books, stationery, etc.....	400	400
lights and wood.....	125	125
contingent expenses .....	50	50
porter hire.....	360	360
furniture, files, etc.....	150	150
rent of book room.....	200	200

Treasury Department.

For salary of Treasurer.....	2,500	2,500
salary of chief clerk.....	1,800	1,800
salary of bookkeeper.....	1,400	1,400
salary of two bookkeepers land department....	2,800	2,800
salary of one assistant bookkeeper land department .....	1,200	1,200
salary of three additional clerks.....	3,000	3,000
salary of three watchmen for Treasurer's and Comptroller's departments.....	2,100	2,100
salary of porter and messenger.....	600	600
books and stationery.....	300	300
wood and lights.....	150	150
postage .....	300	300
contingent .....	50	50
desks, cases, etc.....	50	50
keeping in repair time locks and combinations..	50	50

Comptroller's Office.

For salary of Comptroller.....	2,500	2,500
salary of chief clerk.....	1,800	1,800
salary of three corresponding clerks.....	4,000	4,000
salary of warrant clerk.....	1,600	1,600
salary of assistant warrant clerk.....	1,350	1,350

	For years ending—	
	Feb. 28, 1886.	Feb. 28, 1887.
For salary of receiving clerk.....	\$1,500	\$1,500
salary of tax clerk.....	1,500	1,500
salary of book-keeper.....	1,700	1,700
salary of assistant book-keeper.....	1,260	1,260
salary of two auditing clerks.....	2,800	2,800
salary of deposit warrant clerk.....	1,400	1,400
salary of tax sales clerk.....	1,260	1,260
salary of back tax clerk.....	1,400	1,400
salary of redemption clerk.....	1,260	1,260
salary of examining clerk.....	1,350	1,350
salary of ten first assistant clerks.....	12,600	12,600
salary of six second assistant clerks.....	5,400	5,400
salary of assistant clerks at an average of \$75 per month .....	9,000	9,000
fuel and lights.....	350	350
telegraphing, postage, etc., for correspondence and assessment rolls.....	3,000	3,000
books, stationery, and binding rolls and contingent expenses .....	2,500	2,500
for rent of room for storage of books and papers.	300	300
porter and messenger hire.....	360	360
cases for books and assessment rolls, pigeon holes for papers and furniture.....	1,350	1,350
General Land Office.		
For salary of Commissioner.....	2,500	2,500
salary of chief clerk.....	1,800	1,800
salary of Spanish clerk.....	1,600	1,600
salary of receiving clerk.....	1,800	1,800
salary of examining clerk.....	1,400	1,400
salary of calculator.....	1,350	1,350
salary of first assistant clerk.....	1,200	1,200
salary of two filing clerks, \$1,200 each.....	2,400	2,400
salary of two corresponding clerks.....	2,750	2,750
salary of first patenting clerk.....	1,350	1,350
salary of twelve assistant clerks.....	12,960	12,960
salary of chief draughtsman.....	1,800	1,800
salary of one abstract clerk.....	1,200	1,200
salary of twelve compiling draughtsmen.....	14,400	14,400
salary of one school, university and asylum land draughtsman to be paid out of the respective funds .....	1,200	1,200
salary of one draughtsman for transcribing county maps.....	1,200	1,200
salary of two school and university land book-keepers, to be paid out of respective funds...	2,400	2,400
salary of one night watchman.....	600	600
salary of one porter.....	360	360
stationery, books and furniture.....	3,000	3,000
postage .....	900	900
wood .....	250	250
contingent expenses.....	150	150
lithographic maps.....	800	800

— For years ending —  
Feb. 28, 1886. Feb. 28, 1887.

For making fire proof ceiling and repairs on out buildings and grounds connecting with sewers, filling cesspool and to be expended under direction of the Commissioner of the General Land Office, by the lowest responsible bidder.. \$8,700

*Attorney-General's Office.*

For salary and felony fees of Attorney-General.....	3,500	\$3,500
salary of office assistant.....	1,800	1,800
salary of law clerk.....	1,400	1,400
stationery . . . . .	150	150
postage . . . . .	250	250
telegraphing . . . . .	100	100
contingent expenses . . . . .	50	50
fuel and lights.....	100	100
furniture and repairs.....	75	75
purchasing law books and periodicals.....	250	250
costs of depositions and transcribing records...	400	400
porter and messenger hire.....	300	300

*Adjutant-General's Office.*

For salary of Adjutant-General.....	\$2,000	\$2,000
salary of clerk . . . . .	1,200	1,200
stationery, postage and telegraph.....	250	250
handling and transportation of arms, ammunition and repairs of arms.....	300	300
porter hire (this porter does service for Adjutant-General and Superintendent of Public Instruction) . . . . .	300	300
fuel and incidental expenses.....	150	150
protection of the frontier and suppression of lawlessness and crime.....	60,000	60,000
Adjutant-General's expenses as inspector of arms and troops or other duty.....	300	300
pay for services of militia companies in case they are called into actual service under the law, payment to be made by the Governor...	1,000	1,000

*Printing Board.*

Estimate of amount required for public printing....	\$31,500	\$31,500
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*Department of Insurance, Statistics and History.*

For salary of Commissioner.....	\$2,000	\$2,000
salary of chief clerk.....	1,500	1,500
stationery, postage, fuel, lights, expressage and binding books for Public Library.....	400	400
purchasing books for Public Library . . . . .	400	400
subscription for newspapers for Public Library and binding same . . . . .	200	200

		For years ending	
		Feb. 28, 1886.	Feb. 28, 1887.
For contingent expenses.....		\$50	\$50
Supreme Court.			
For salary of three judges.....	10,650	10,650	
furniture for judges and court room.....	400	400	
postage and contingent.....	900	900	
books and stationery.....	600	600	
fuel and lights.....	500	500	
porter hire.....	300	300	
sheriff's attendance.....	300	300	
clerk Supreme Court at Austin and ex-officio Librarian .....	300	300	
clerk Supreme Court at Galveston and ex-officio librarian .....	300	300	
clerk Supreme Court at Tyler and ex-officio librarian .....	300	300	
books and shelving for Supreme Court Libraries .....	1,000	1,000	
Court of Appeals.			
For salary of three judges.....	10,650	10,650	
pay of clerks' fees, criminal cases.....	4,000	4,000	
pay of sheriffs' attendance on court.....	300	300	
postage and contingent expenses.....	750	750	
fuel and lights.....	350	350	
law books to be selected by the presiding judge.	100	100	
record books, stationery and furniture.....	600	600	
porter hire.....	300	300	
salary of Assistant Attorney-General and traveling expenses.....	3,000	3,000	
Commissioners of Appeals.			
For salary of judges.....	10,650	10,650	
postage and contingent.....	250	250	
fuel and lights.....	250	250	
Quarantine.			
For pay of officers and employees.....	35,000	35,000	
equipments of quarantine stations.....	5,000	5,000	
Judicial Department.			
For salary of thirty-eight district judges.....	100,000	100,000	
salary of district attorneys.....	12,500	12,500	
salary of judge of criminal district court of Galveston and Houston.....	2,500	2,500	
salary of district attorney of criminal district court Galveston and Harris counties.....	500	500	
fees and costs of sheriffs, clerks, district and county attorneys in felony cases.....	300,000	300,000	
salary of special judges.....	5,000	5,000	

— For years ending —  
Feb. 28, 1886. Feb. 28, 1887.

For fees of county judges, justices of the peace, sheriffs and constables in examining courts in felony cases .....	\$10,000	\$10,000
payment of expenses of attached witnesses in felony cases .....	40,000	40,000
publishing Supreme Court reports.....	8,000	8,000
publishing Court of Appeals Reports.....	8,000	8,000

Capitol Building Commission.

For salary of commissioners.....	3,600	3,600
salary of superintendent.....	2,500	2,500
salary of secretary also to act as clerk for penitentiary and capitol boards.....	1,800	1,800
incidental, including books, stationery and postage .....	150	150
fuel and lights.....	50	50
compensation of designing architect and contingent expenses in connection with the building of the new Capitol, the amount of each expenditure to be determined by the Governor and paid on his order.....	2,000	2,000

Superintendent of Public Buildings and Grounds.

For salary of Superintendent.....	1,200	1,200
painting roof of Temporary Capitol and repairs of the building, or so much thereof as may be necessary .....	350	100
labor on grounds, State sewer and Temporary Capitol, also including State Cemetery.....	600	600
incidental expenses, stationery, postage, etc....	50	50
two night watchmen for Capitol grounds and buildings .....	1,560	1,560
water for State Cemetery (contracted).....	200	200
water for Temporary Capitol and grounds.....	300	300

To pay Veterans under Special Acts Granting Them Pensions.

To I. N. Alsbury.....	100	100
Dillard Cooper.....	250	250
R. M. Davis.....	100	100
Jno. Day.....	100	100
J. E. Field.....	200	200
J. W. Nichols.....	100	100
H. M. Smith.....	250	250
J. B. Thatcher.....	100	100
D. T. Webb.....	100	100
Mrs. S. L. Cole, widow of David Cole.....	100	100
pay veterans under present law.....	91,000	91,000

State Lunatic Asylum.

For salary of Superintendent.....	2,000	2,000
salary of first assistant physician.....	1,500	1,500
salary of second assistant physician who shall also perform the duties of apothecary.....	1,000	1,000



	For years ending —	
	Feb. 28, 1886.	Feb. 28, 1887
For salary of bookkeeper and house steward.....	\$1,000	\$1,000
salary of out-steward or head farmer.....	600	600
salary of matron.....	600	600
salary of assistant maton.....	360	360
salary of male supervisor.....	480	480
salary of female supervisor.....	360	360
salary of male and female attendants.....	10,000	10,000
salary of seven seamstresses.....	1,680	1,680
salary of seven laundresses.....	1,680	1,680
salary of four night watches.....	1,440	1,440
salary of one gardener.....	480	480
salary of one scavenger.....	200	200
salary of chief cook.....	480	480
salary of three assistant cooks.....	720	720
salary of one carpenter.....	360	360
salary of one baker.....	480	480
salary of three farm laborers.....	600	600
salary of one engineer.....	750	750
salary of two firemen.....	720	720
salary of one assistant engineer.....	500	500
medical stores.....	2,000	2,000
dry goods, bedding, and clothing.....	12,000	12,000
groceries, provisions, fuel, gas and water.....	70,000	70,000
additional ward furniture.....	1,100	
special repairs for old building.....	6,000	
repairs.....	2,500	2,500
transportation.....	2,000	2,000
contingent expenses, books, etc.....	1,000	1,000
fire proof stairways and divisions between the wards, or so much thereof as may be needed..	6,000	

#### North Texas Insane Asylum.

For salary of superintendent.....	2,000	2,000
salary of assistant superintendent.....	1,500	1,500
salary of apothecary.....	600	600
salary of bookkeeper and steward.....	1,000	1,000
salary of matron.....	600	600
salary of carpenter.....	480	480
salary of gardener.....	480	480
salary of farmer and assistant.....	600	600
salary of scavenger.....	200	200
salary of engineer and two firemen.....	900	900
salary of cook and two assistants.....	960	960
salary of one baker.....	400	400
salary of five laundresses.....	1,000	1,000
salary of two seamstresses.....	480	480
salary of twenty-four ward attendants.....	5,760	5,760
salary of two night watches.....	720	720
salary of two supernumeraries.....	720	720
groceries, fuel, gas and water.....	40,000	50,000

	—For years ending—	
	Feb. 28, 1886.	Feb. 28, 1887.
For transportation.....	\$1,000	\$1,000
contingent expenses.....	1,000	500
dry goods, clothing, etc.....	6,000	8,000
stock, milkman and dining room girls.....	960	960
for medical stores.....	2,000	2,000
fencing and palings.....	4,500	
barns, lot and stock well.....	2,000	
wagons, hack, harness and plow.....	500	
mules, horses, milk cows and swine.....	1,700	
reservoir well for asylum.....	1,000	
shop and tools.....	500	
trees, seeds and stock.....	200	
iron balcony and gallery screen.....	700	
hydraulic plaster finish to ward walls.....	1,500	
furniture, beds and blinds.....	18,000	
heating apparatus, for building laundry and kitchen furniture.....	25,000	
gas machine and fixtures.....	1,000	
drain pipe and labor placing same.....	750	
painting and coating north walls and blinds....	2,000	
general repairs and preservation.....	250	750
amount due contractors.....	1,300	
two cisterns.....	750	

The salaries of above officers to begin when the asylum is opened for the reception of inmates or at such date as they enter upon the duties of their respective offices. Provided, that the interest to accrue and that has already accrued on all interest-bearing securities held by the Lunatic Asylum fund is hereby appropriated in part payment of the above appropriation for both lunatic asylums, the remainder of the appropriation to be paid out of the general revenue.

#### Deaf and Dumb Asylum.

For salary of superintendent.....	2,000	2,000
salary of principal.....	1,000	1,000
salary of articulation teacher.....	1,000	1,000
salary of first, second and third additional teachers.....	1,800	1,800
salary of fourth, fifth, sixth and seventh addi- tional teachers.....	1,920	
salary of fourth, fifth, sixth and seventh and eighth additional teachers.....	.....	2,400
salary of secretary and steward.....	600	600
salary of first matron.....	480	480
salary of second matron.....	480	480
salary of night watchman.....	360	360
salary of farmer and gardener.....	300	300
salary of five washers and ironers.....	900	
salary of six washers and ironers.....	.....	1,080
salary of baker.....	360	360
salary of first cook.....	240	240

	For years ending	
	Feb. 28, 1886.	Feb. 28, 1887.
For salary of second cook.....	\$216	\$216
salary of laborer.....	216	216
salary of engineer and assistant.....	600	900
salary of monitor of boys.....	240	240
salary monitress of girls.....	240	240
salary of expert in book binding.....	750	750
salary of expert in printing.....	600	600
salary of expert in shoemaking.....	600	600
salary of expert in carpentering.....	750	750
supplies of provisions, etc.....	20,000	24,000
boiler radiators and appurtenances for heating the building, or so much thereof as may be nec- essary .....	5,000	
furnishing fund for house, farm, etc.....	2,000	2,000
clothing for indigent pupils.....	750	750
transportation and miscellaneous expenses for indigent pupils .....	1,000	1,000
ornamenting and improving grounds, etc.....	1,000	1,000
To water for fire protection from July 1st 1883 to March 1st 1885 as per contract, to be paid upon the approval of the Superintendent of Deaf and Dumb Asylum .....	1,666 <sup>66</sup>	
For water for fire protection per contract.....	1,000	1,000

Provided, that the interest to accrue and that has already accrued on all interest-bearing securities held by the Deaf and Dumb Asylum fund, is hereby appropriated in part payment of the above appropriation for said asylum, the remainder of the appropriation to be paid out of the general revenue.

#### Blind Asylum.

For salary of superintendent.....	\$2,000	\$2,000
salary of school, music shop and other teachers.....	6,000	6,500
salary of matron.....	400	400
salary of assistant matron and nurse.....	300	300
salary of steward and secretary.....	600	600
salary of oculist .....	700	700
salary of night watchman.....	360	360
salary of engineer and fireman.....	360	360
salary of teacher of sewing and seamstress.....	300	300
salary of cook and assistants.....	500	500
salary of laundresses.....	600	600
repair fund.....	1,500	1,500
groceries, provisions and miscellaneous.....	16,000	17,000
To water for fire protection from July 1, 1883, to March 1, 1885, as per contract, upon approval Superintendent Blind Asylum.....	833 <sup>33</sup>	
For clothing.....	300	400
transportation for indigents .....	600	700
fire protection per contract.....	500	500
To build and make additions for school room, dining room, dormitories for boys and girls, servants' rooms, etc., also to replace rotten floors and gal- leries, and repair and re-plaster the old and worn out central buildings.....	15,000	

— For years ending —  
Feb. 28, 1886. Feb. 28, 1887.

To replace worn out furniture and worn out instruments ..... \$1,500  
make attachments for kitchen and laundry.... 500

Provided, that the interest to accrue and that has accrued on all interest bearing securities held by the Blind Asylum fund, is hereby appropriated in part payment of the above appropriation for said asylum, remainder of the appropriation to be paid out of the general revenue.

### Public Debt. ,

For payment of annual interest.....\$256,062 20    \$256,062 20

### Department of Education.

For salary of Superintendent.....	\$2,500	\$2,500
salary of chief clerk.....	1,500	1,500
salary of clerk.....	1,200	1,200
support of Sam Houston Normal Institute, to be paid out of available school fund.....	18,000	18,000
support of public free schools for years ending August 31, 1886, and August 31, 1887,—all available public free school funds of said years, less the amounts appropriated from the school fund by this act for other purposes.		
the payment of salaries of summer normal institute principals, to be appointed by the Superintendent of Public Instruction, one in each senatorial district for whites, and one in each congressional district for colored teachers...	6,000	6,000
support of Prairie View Normal School, to be paid out of the available public free school funds .....	10,000	10,000
permanent improvements.....	7,500	

(To be expended under supervision of board of directors of Agricultural and Mechanical College.)

### State University.

For the support and maintenance of the State University for the two years ending February 28, 1887, for the erection of building, improvement of grounds and purchase all necessary accessories, to be under the control of the Board of Regents; all the available University fund on hand, and all interests on the permanent University fund, including bonds and all other interest bearing indebtedness now or hereafter belonging to the permanent University fund, and all amounts derived from the lease of University lands, subject however, to the appropriation herein made for the A. and M. College.

### Agricultural and Mechanical College.

For support and maintenance of the Agricultural and Mechanical College for

— For years ending —  
Feb. 28, 1886. Feb. 28, 1887.

the two years beginning the first of March 1885 and ending twenty-eighth day of February 1887, the following sums:

Out of the general fund, the sum of.....	\$10,000	\$10,000
Out of the University fund the sum of.....	5,000	5,000

And the interest accruing from the \$174,000 permanent fund, and the interest on the \$35,000 available fund now invested in six per cent State bonds, belonging to said college for the ensuing two years, to pay the officers and employees of said college as provided by law; provided, that said money shall be paid out on warrants of the Comptroller, as other moneys are paid from the treasury.

#### Penitentiaries.

The proceeds of all convict labor.

In addition thereto for the purpose of making up deficiency in monthly expenses.....	\$50,000	\$25,000
To purchase material to properly carry on the industries of the two penitentiaries.....	50,000	25,000
purchase machinery and necessary outfit to develop the iron industries at the Rusk penitentiary .....	50,000	
replenish prison library.....	250	250
pay claim of James Harding for services as guard at Huntsville Texas for 1868 and 1869, said claim to be approved by the Superintendent of Penitentiaries and paid by the financial agent out of the appropriation for the support and maintenance of the State penitentiary for 1885.....		767 <sup>21</sup>

#### Miscellaneous.

To pay A. J. Peeler in full of all claims of Peeler and Maxey for services in the case of Preston vs. Walsh, concerning the Mercer colony contract .....	2,500	
pay the officers of the district court of Travis county for costs incurred and adjudged against the State in sixteen civil causes in all of which causes the State of Texas was plaintiff:		
pay district clerks costs.....	1,013 <sup>44</sup>	
pay sheriff costs.....	140 <sup>00</sup>	
pay the officers of Comanche county costs incurred in twenty suits to recover lands belonging to the Deaf and Dumb Asylum, in all of which cases the State of Texas was plaintiff—		
pay district clerk costs.....	79 <sup>40</sup>	
pay sheriff costs .....	30	
pay county attorney costs.....	180	
(To be paid out of the Deaf and Dumb Asylum fund.)		
For relief of liquor dealers in counties where local option has been adopted.....	7,500	7,500

— For years ending —  
Feb. 28, 1886. Feb 28, 1887.

To pay J. H. Keith, ex-deputy sheriff of Johnson county, Texas, for services rendered in case of The State of Texas vs. Thomas J. Myers, a case tried in Hood county, Texas in 1880....	\$49 <sup>70</sup>
For the compensation of commissioners and to defray expenses of said commissioners to establish the line between the territory of the United States and Texas, according to the treaty between the said United States and Spain, February 22, 1819, or so much thereof as may be necessary .....	10,000
To refund to purchasers of public domain and other public lands, the money paid by them into the State treasury as the purchase money on lands for which they have been unable to acquire title for the reasons mentioned in the act of April 14, 1883, page 113 of the General Laws of the Eighteenth Legislature.....	5,000
One-half to be paid out of the general revenue, and the other out of the fund to which said moneys belong.	
For salary of Commissioner of Fish, pay of help at the ponds, water supply, shipping fish, incidental expenses etc.; to date when the law abolishing the Commissioner to take effect; say July 1, 1885, the sum of.....	1,035
To pay the State Railroad Engineer and his assistant for for the unexpired term of their respective offices, say .....	1,500
Or as much thereof as may be necessary out of said sum.	
For compensation of an agent of the State of Texas to be appointed by the Governor for the purpose of presenting and urging the claims of the State of Texas against the United States for money expended for frontier protection, one-half of one per cent of all claims allowed by the United States in favor of the State of Texas and the further sum (to be paid upon the warrant of the Governor) .....	3,000

Section 2. The near approach of the close of the present session of the Legislature, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

Approved April 1st, 1885.



# RESOLUTIONS.

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H. J. R. No. 20.]

No. 1.

## JOINT RESOLUTION.

Requesting our Senators and Representatives in Congress to aid in the establishing of a national trail for the outlet of Texas cattle.

Section 1. Be it resolved by the Legislature of the State of Texas, That our Senators and Representatives in Congress are respectfully requested to aid in securing the establishment of a national trail for the outlet of Texas cattle.

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S. J. R. No. 10.]

No. 2.

## JOINT RESOLUTION

Delivering the property known as the Alamo to the city of San Antonio.

Whereas during the regular session of the Eighteenth Legislature, while measures were pending, looking to the purchase of the Alamo by the State, a resolution of the city council of San Antonio was read to the Senate and House, in order to induce the purchase of said property by the State, which resolution is as follows:

“Whereas, the State of Texas is contemplating the purchase of the property known as the Alamo, for the purpose of preserving it as a monument sacred to the memory of the martyrs who so gallantly perished in the defense of the liberties of their country, and the question of the care, preservation and guardianship of said property having arisen; now, therefore, in order that for all future time the State of Texas shall be free from all expense, charge, cost or liability for the care and preservation of said property:

“Be it resolved by the city council of the city of San Antonio: That the city of San Antonio agrees and binds itself to take care of, preserve and keep the said Alamo in good order and repair, without cost, charge or liability to the State of Texas, and to hold the same subject at all times to any future legislation of the State of Texas; and that a copy of these reso-



lutions, duly authenticated, be forwarded at once to his Excellency, Governor John Ireland."

Now therefore,

Be it resolved by the Legislature of the State of Texas: That the property known as the Alamo be delivered to the city of San Antonio upon the terms, and conditions and subject to the limitations set forth in the resolution of its city council above mentioned.

NOTE.—The foregoing act was presented to the Governor for his approval on the 31st day of March, A. D. 1885, but was not signed by him or returned to the house in which it originated with his objections thereto, within the time specified by the Constitution, and thereupon it became a law without his signature.

J. W. BAINES,  
Secretary of State.

H. J. R. No. 1.]

No. 3.

### JOINT RESOLUTION

To permit the Governor, Comptroller and Adjutant-General to withdraw from the Comptroller's and Adjutant-General's offices such original vouchers as may be necessary to enable them, under authority of an act of the Legislature, approved March 28, 1883, to properly present the claims of the State of Texas for payment by the United States, under act of Congress, approved June 27, 1882.

Section 1. Whereas, by act of Congress, approved June 27, 1882, the State of Texas, with other States and territories, was authorized to present her claims against the United States government, for moneys expended by said State in protecting her frontier; and whereas, by said act the honorable Secretaries of the Treasury and of War, of the United States government, were authorized and required to examine and report upon said claims; and whereas, said United States officials require the original vouchers and evidence of payment by the said State of Texas to be presented in support of said claim; and, whereas, the Eighteenth Legislature of Texas, by act approved March 28, 1883, organized a board consisting of the Governor, the Comptroller and the Adjutant General with power to make, act and present the said claims of Texas; and whereas, said board are doubtful of their authority under said act of the Legislature to withdraw from the office of the Comptroller and that of the Adjutant General, such original vouchers as are demanded and required to support the said claim of the State, and yet the duty of said board cannot be fully performed without such withdrawal and use of said original papers, therefore, be it resolved by the Legislature of the State of Texas that the said board consisting of the Governor, the Comptroller and the Adjutant General, shall be, and they are hereby authorized to withdraw from the said offices of the Comptroller and the Adjutant General all such original vouchers, papers and accounts, as may be neces-

sary to the support of the said claim of Texas against the United States government, provided that proper receipts for such papers shall be filed by said board in the said offices of the Comptroller and that of the Adjutant General.

Section 2. Whereas, the near approach of the close of the session rendering it unlikely that this resolution can be passed in the regular way, and the fact that the success of the State in her claim for compensation from the Federal government for defense of the frontier may depend upon the presentation of the original vouchers, create an emergency and an imperative public necessity which requires that the constitutional rule that bills be read on three several days be suspended, and that this resolution take effect from and after its passage, and it is so enacted.

I hereby certify that H. J. R. No. 1 originated in the House and passed the same March 26th, 1885, by a two-thirds vote, ayes 86, nays 1.

A. D. SADLER,  
Chief Clerk House of Representatives.

I hereby certify that H. J. R. No. 1 passed the Senate March 28th, 1885, by ayes 22, nays 2.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved March 31st, 1885.

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No. 1.

CONCURRENT RESOLUTION.

Whereas, the laying of the corner stone of the new State Capitol of Texas, on the second of March next, will be a grand day in the history of Texas and her civilization; and

Whereas, the people of Texas desire to cultivate the most friendly relations with our sister Republic of Mexico; therefore be it

Resolved by the Senate and House of Representatives of the State of Texas, That General Porferio Diaz, President of the Republic of Mexico, be invited to visit the capital of this State and take part in the festivities of the occasion; and that a copy of this resolution, signed by the Governor, and attested by the Secretary of State, be forwarded to his Excellency at once.

## No. 2.

## HOUSE CONCURRENT RESOLUTION

Requesting Texas Senators and Representatives in Congress to secure a survey and report of the condition of the channel through West Galveston bay and San Luis bay 40 miles westward from Galveston, to the canal connecting said bays with the Brazos river near its mouth.

Section 1. Be it resolved by the Legislature of the State of Texas, That the Senators and Representatives of this State in the Congress of the United States be, and they are hereby requested to take the earliest and most efficient action, as in their judgment may seem best, to secure a survey and report by the United States engineering corps, of the channel of said bays, with a view of securing an appropriation, at a future time to remove some obstructions believed to be not over four miles in all, and thereby giving an average channel of six feet of water or thereabouts for whole extent of said bays, and by the way of said canal connecting with the Brazos river, with deep tide water navigation for more than 50 miles.

Section 2. Be it further resolved, That a copy of these resolutions be furnished to each Senator and Representative in Congress from Texas, by the Secretary of State.

S. C. C. R. No. 7.]

No. 3.

## CONCURRENT RESOLUTION.

Resolved by the Senate, the House concurring, That the Governor of the State be, and is hereby authorized, to request, in the name of the State, the Mexican authorities to permit the removing of the remains of the late Col. Frank Johnson, who was buried in their territory.

Approved March 31st, 1885.

THE STATE OF TEXAS, {  
DEPARTMENT OF STATE. }

I, J. W. Baines, Secretary of State of the State of Texas, do certify that I have carefully compared the foregoing laws and resolutions, passed by the Nineteenth Legislature of the State of Texas, at its regular session, with the original enrolled bills now on file in this Department, and that they are true copies thereof; and I further certify that said Nineteenth Legislature convened in Austin, January 13, 1885, and adjourned March 31, 1885.

In testimony whereof, I have hereunto signed my name, and [L. s.] impressed hereon the seal of State, at Austin, this, April 20, A. D. 1885.

J. W. BAINES,  
Secretary of State.

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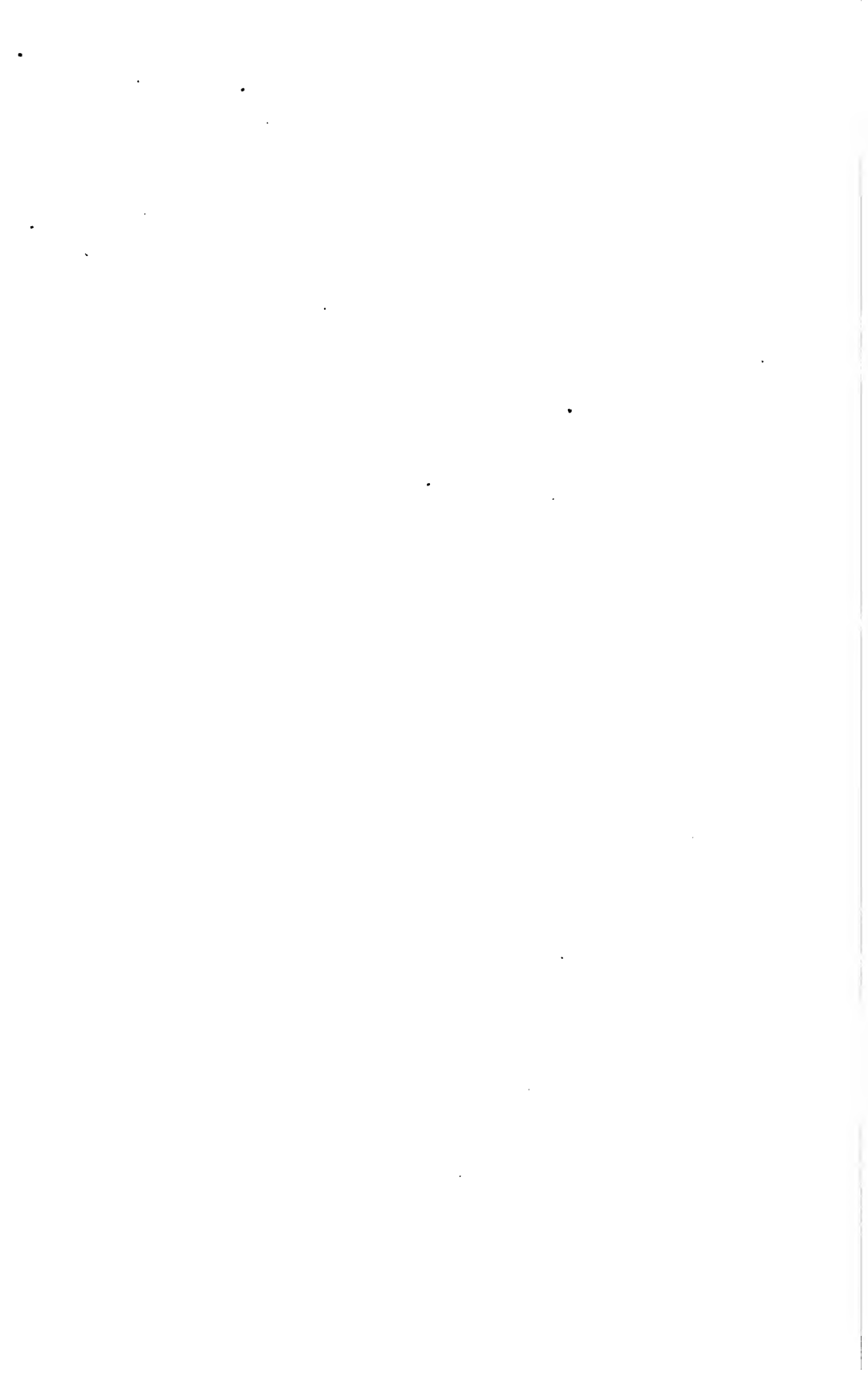
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# **SPECIAL LAWS**

**OF**

# **THE STATE OF TEXAS**

**PASSED AT THE**

**REGULAR SESSION OF THE NINETEENTH LEGISLATURE**

**CONVENED**

**AT THE CITY OF AUSTIN**

**JANUARY 13, 1885, AND ADJOURNED MARCH 31, 1885.**

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**BY AUTHORITY OF THE STATE OF TEXAS**

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**AUSTIN**  
**1885**



**NOTE.**

**Constitution of the State of Texas, Article III.**

**Sec. 39.** No law passed by the Legislature, except the general appropriation act, shall take effect or go into force until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency, which emergency must be expressed in a preamble or in the body of the act, the Legislature shall, by a vote of two-thirds of all the members elected to each house, otherwise direct; said vote to be taken by yeas and nays, and entered upon the journals.

# SPECIAL LAWS.

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H. B. No. 473.]

No. 1.

An Act to amend sections three (3), four (4), five (5), one hundred and six (106), one hundred and seventeen (117), one hundred and fifty-six (156) and one hundred and fifty-eight (158), of an act to incorporate the city of Galveston, and grant a new charter, approved August 2nd, 1876, amended by an act approved April 5th, 1881, amended by an act approved March 7th, 1883.

Section 1. Be it enacted by the Legislature of the State of Texas: That section three (3) of said act be and the same is hereby amended so that hereafter it shall read as follows, to-wit:

Section 3. The municipal government of the city shall consist of a city council composed of the mayor and one alderman from each ward, a majority of the aldermen elected shall constitute a quorum for the transaction of business, except at called meeting or meetings for the imposition of taxes, when three-fourths of the aldermen elected shall be required, unless herein otherwise specified.

The other officers of the incorporation shall be a recorder, a treasurer, an assessor, a collector, a clerk, a chief of police, an engineer (who shall also be superintendent of streets), an attorney, an auditor, a health physician, a harbor master, and such other officers and agents as the city council may direct; all of whom, except the mayor, aldermen, clerk and chief of police, shall be elected by ballot by the Aldermen, at a meeting to be held on the second Monday after each biennial election upon the nomination of the mayor, or in case no person shall then be nominated by him, or if the person so nominated shall not be elected, then as soon thereafter as possible, upon the nomination of the mayor. Provided, that if any nomination of the mayor is not confirmed by a majority of the council, the person so nominated shall hold the office to which he was nominated until the next regular meeting of the city council, when the mayor shall nominate again; and if such person so nominated is not confirmed, it shall be the duty of the mayor to continue to nominate some person for such office at each regular meeting of the city council thereafter until his nomination shall be confirmed by a majority of the city council; and each nominee of the mayor shall hold the office to which he was nominated until after another nomination by the mayor at the next regular meeting of the city council. But the mayor shall not nominate the same person

more than twice for the same office. The clerk and chief of police shall be appointed by the mayor on the second Monday after each biennial election or as soon thereafter as possible. All of said officers so nominated and elected shall hold their offices until the second Monday after the next succeeding biennial election and until the nomination, and election and qualification of their successors; and in such election a majority of all the aldermen elected shall be necessary to a choice. The officers appointed by the mayor as aforesaid, shall hold their offices until the second Monday after the next succeeding biennial election, unless earlier removed by the mayor, or by the city council under the authority vested in it by this charter, and until the appointment and qualification of their successors. The duties of the harbor master shall be such as have been, or may be prescribed by the city council, and he shall receive for his services such compensation as the city council may determine, not to exceed eighteen hundred dollars per annum, and shall give bond for the faithful performance of his duties in the sum of ten thousand dollars.

Section 2. That section four (4) of said act be, and the same is hereby amended so that hereafter it shall read as follows, to-wit:

Section 4. Elections for mayor and aldermen shall be held biennially on the first Monday in June at such place or places as the city council may direct, and of which thirty days previous notice shall be given by publication in one or more newspapers of said city; provided, that the next biennial election shall be held on the first Monday in April, 1885, of which only twenty days notice shall be necessary, provided, that the present officers shall hold over until their successors are elected and qualified as herein provided. Said elections shall be ordered by the mayor or the city council; for the purpose of holding such elections, and others ordered, the city council shall appoint biennially, in July or earlier, in each ward some competent and suitable person, who shall be the presiding officer at all elections held in his ward.

The presiding officer in each ward shall select two judges and two clerks who, with the presiding officer, shall be managers of the elections. The presiding officer and judges must be qualified voters in the city. The city council shall provide for their compensation, and by ordinance regulate and define their powers and duties, and determine the hours of opening and closing the polls. The mayor, or acting mayor, whenever an election is ordered, shall give the required notice, and issue to the presiding officer a writ of election; and every published notice of election shall state the officer or officers to be elected, the place where the election will be held and the name of the presiding officer thereat. In case the officer so appointed is unable, fails, refuses or neglects to act, or the city council have failed to appoint, and in case no appointed presiding officer appears to open the polls, the attending qualified electors at the place for holding such election, such qualified electors as may be present at the time to open such poll may appoint such officer, who shall perform the same duties and shall have like power and authority to act as the original ap-

pointee, but in such case the managers in their returns or otherwise, shall certify that the presiding officer failed to attend or neglected to act, and that the person acting as such, was duly chosen by the electors present; provided, that, if from any cause an election cannot be, or is not held on the day aforesaid, such election shall be held as soon thereafter as the order can be made and the necessary notices given. And the city council shall have full authority to designate the day for such election; and provided further, that the presiding officers for any election under this act may be appointed at any time prior to such election by the mayor in case of vacancy.

Section 3. That section five (5) of said act be, and the same is hereby amended so that hereafter it shall read as follows, to-wit:

Section 5. At the biennial elections provided for in this charter there shall be elected by the qualified electors of said city, voting by ballot, a mayor who shall hold his office for two years from the date of said election and until his successors shall be elected and qualified. And at the same time there shall be elected one alderman from each ward of the city by the qualified electors of the whole city, who shall hold his office for two years from the date of said election, and until his successor shall be elected and qualified; provided, that the person so elected shall be and remain a resident of the ward which he is elected to represent as such alderman, and if he shall, during the term of his office, remove from such ward his office shall be declared vacant. The person receiving the highest number of votes in the whole city for mayor shall be declared elected, and the person in any ward receiving the highest number of votes in the whole city cast for alderman of such ward shall be declared elected. In case the person elected mayor or alderman shall refuse to accept the office, the mayor, acting mayor or the city council shall order another election, and in case a vacancy in the office of mayor or alderman by death, resignation, removal or otherwise, it shall be filled for the remainder of the term by a new election to be ordered by the mayor, acting mayor or the city council, and all new or special elections shall be conducted in the same manner as herein provided for at a biennial election; provided, that in special elections five days notice thereof shall be deemed sufficient.

Section 4. That section one hundred and six (106) of said act be, and the same is hereby amended so that hereafter it shall read as follows, to-wit:

Section 106. To regulate and prevent the carrying on of manufactories and works dangerous in promoting or causing fires; to regulate the building and erection of cotton presses and sheds; to regulate and prevent the piling or storing of wood, lumber and other combustible articles or materials on the levees, wharves, streets and sidewalks.

Section 5. That section one hundred and seventeen (117) of said act be, and the same is hereby amended so that hereafter it shall read as follows, to-wit:

Section 117. There shall be created a board of health composed of the mayor, the health physician, the city engineer, the

chairman of the committee on hospital and health and the chairman of the committee on finance and revenue. Three members shall constitute a quorum. The mayor shall be chairman of the board, but in his absence the board may elect a chairman pro tem. The health physician shall be secretary of the board, and shall keep a record of its proceedings in a book kept for that purpose. The board shall have power to adopt rules and regulations for its government and fix the time and place for its regular meetings. Extra meetings may be called at any time by the mayor or any three members of the board upon written notification of its members.

Section 6. That section one hundred and fifty-six (156) of said act be, and the same is hereby amended so that hereafter it shall read as follows, to wit:

Section 156. The city council shall have power to remove any other officer for incompetency, corruption, malconduct, malfeasance or non-feasance in office, after due notice and an opportunity to be heard in his defense under the same rules herein provided for the trial and removal of the mayor and aldermen.

Section 7. That section one hundred and fifty-eight (158) of said act be, and the same is hereby amended so that hereafter it shall read as follows, to wit:

Section 158. No member of the council shall hold any other employment or office under the city government while he is a member of said council, unless herein otherwise provided; and no member of the city council or any officer of the corporation shall be directly or indirectly interested in any work, business or contract, the expense, price or consideration of which is paid from the city treasury or by an assessment levied by an ordinance or resolution of the city council, nor be the surety of any person having a contract, work or business with said city, for the performance of which security may be required; and no member of the city council shall have any authority to employ any labor or purchase any article for the use of the city under any ordinance or resolution whatever, either as a committee or otherwise, but the same shall be done by some officer or agent of the city designated for that purpose by ordinance of the city. Any alderman or officer of the city violating the provisions of this section, shall forfeit his seat in council or office and shall thereafter be ineligible to any office in or under the city government.

Section 8. Whereas, an urgent necessity and emergency exists that the city council of Galveston should be elected by a vote of the whole city in order to secure a more popular representative government; and whereas, the regular biennial election will take place before the adjournment of the Legislature, therefore it is hereby enacted that this act take effect and be in force from and after its passage; and whereas, this act requires that a notice of the regular biennial election of twenty days shall be published before the said election shall take place on the first Monday in April, 1885; therefore an imperative public necessity exists, requiring the suspension of the constitutional rule requiring bills to be read on three several days, and it is so enacted.

I hereby certify that the within H. B. No. 473 originated in the House and passed the same February 21st, 1885, by a two-thirds vote—ayes 75, noes 1.

A. D. SADLER,  
Chief Clerk House of Representatives.

I hereby certify that the within H. B. No. 473 passed the Senate February 24th, 1885, by two-thirds vote, ayes 24.

WM. NEAL RAMEY,  
Secretary of the Senate.

Approved February 26th, 1885.

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S. H. B. No. 237.]

No. 2.

An Act to alter the corporate limits of the city of Waco.

Section 1. Be it enacted by the Legislature of the State of Texas: That the corporate limits of the city of Waco be altered so as to dismiss from said corporation a part of that territory east of the Brazos river, known as East Waco, or the Fifth ward of the said city, leaving the eastern boundaries of said city of Waco as follows: Beginning at the original point of beginning as defined by the act of incorporation of the city of Waco, approved April 21, 1871, a cottonwood on west bank of the Brazos river, (about seven or eight hundred yards below the mouth of Waco creek), marked with a blaze on three sides and three hacks on the other; thence up the west margin of the said river to the centre of the mouth of Waco creek; thence across the Brazos river N, 45 E to the east bank thereof; thence, up said east bank with its meanderings to the south line of the right of way of the Missouri Pacific Railway; thence, with the south line of said right of way, N 45 E to a point 170 varas, more or less, N 45 E from the point at which said right of way crosses the east line of the Hood tract, and which point is also S 28 E from the N E corner of Susan Reed's one-half acre lot; thence, N 28 W to the N E corner to the said Susan Reed's one-half acre lot in W. M. Walton's line; thence S 62 W to the east line of the Paul Quin college property; thence, with the east line of said college tract N 52½ W to the N E corner of said Paul Quin college tract; thence S 37½ W with the north line of said college tract, and of Turners' tract to stake on the west line of Dallas street; thence, with the west line of Dallas street, N 52½ W, crossing the Houston and Texas Central R. R. to the N E corner of block No. 4, owned by J. W. Mann; thence, S 37½ W, to the east margin of the Brazos river; thence, up the east margin of said river to the point at which the present north line of the city crosses the river.

Section 2. That whereas, a large indebtedness is being daily contracted by said city, rendering oppressive taxation necessary, for which no benefit is received; and whereas, the issuance of bonds is now contemplated by said city of Waco, creating a liability upon all the property now in said city; and,

whereas, delay in the final passage of this act would result in great financial injury to many people, thereby creating an emergency and imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, therefore said rule is hereby suspended and this act shall take effect and be in force from and after its passage.

I hereby certify that S. H. B. No. 237 originated in the House and passed the same February 21st, 1885, by a two-thirds vote, ayes 77.

A. D. SADLER,

Chief Clerk House of Representatives.

I hereby certify that S. H. B. No. 237 passed the Senate February 25th, 1885, by a two-thirds vote, ayes 22, nays none.

WM. NEAL RAMEY,

Secretary of the Senate.

Approved February 27th, 1885.

S. B. No. 137.]

No. 3.

An Act to repeal sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 25, 27, 28, 30, 31, 83, 198, 199 and 200, and to amend sections 2, 4, 5, 6, 29, 33, 43, 45, 70, 74, 78, 103, 120, 197, 201, 202 and 203, of an act entitled "An act to incorporate the city of San Antonio, and grant a new charter to said city," approved August 13th, 1870, and to repeal "An act to incorporate the city of San Antonio," approved July 17th, 1856; and "An act to amend the act to incorporate the city of San Antonio," approved February 11th, 1860; also, "An act to amend an act entitled 'an act to incorporate the city of San Antonio and grant a new charter to said city,' approved April 18th, 1879.

Section 1. Be it enacted by the Legislature of the state of Texas: That sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 25, 27, 28, 30, 31, 83, 198, 199 and 200, of "An act to incorporate the city of San Antonio, and to grant a new charter to said city," approved August 13th, 1879, and "An act to amend an act entitled 'an act to amend an act entitled an act to incorporate the city of San Antonio and grant a new charter to said city,' approved April 18th, 1879, be and the same are hereby repealed; and that sections 2, 4, 5, 6, 29, 33, 43, 45, 70, 74, 78, 103, 120, 197, 201, 202 and 203 of said act be so amended as hereafter to read as follows, to wit:

#### Section 2.

The bounds and limits of said city within which said corporation shall have jurisdiction, shall include a square of which the sides shall be equidistant from what is known as the cupola of the Cathedral of San Fernando, and three miles therefrom, east, west, north and south, or six miles square.

Section 4.

The city council shall, prior to the first day of December 1886, divide the city into eight wards; the boundaries thereof shall be fixed by the city council and may be changed from time to time, as they may deem expedient, so that each ward shall contain, as near as possible, the same number of inhabitants or electors.

Section 5.

That on the second Monday in February, beginning with the year 1887, a mayor, recorder, collector, street commissioner and twelve aldermen, shall be voted for and the returns for such election shall be made as hereinafter provided.

Section 6.

That the first election under this act shall be held as provided in section 5, and every two years thereafter, shall be the regular charter election for elective officers. The terms of all aldermen elected prior to February 1887, shall expire on the election of their successors, on the first Monday in February, 1887.

Section 29.

That all elections in the city shall be held in accordance with the State law governing elections and returns shall be made to the mayor in the same manner that returns are made under the State law. The qualifications of voters shall be as prescribed in article 6 of the Constitution of the State. Provided, that at all elections wherein property tax payers only are allowed to vote, those only whose names appear on the last assessment roll of the city shall be deemed property tax payers.

Section 33.

The city council shall be composed of the mayor and aldermen. One alderman to be elected from each ward by the voters thereof, and four aldermen to be elected by the voters of the city at large. The aldermen shall hold office for two years, and until their successors are elected and qualified. The aldermen elected as representatives of the different wards shall be residents thereof at least six months prior to their election, and shall vacate their office if at any time they should remove therefrom.

Section 43.

To borrow money on the credit of the city, and issue bonds therefor, to an amount not to exceed \$50,000 during one year. To make a loan exceeding \$50,000 the question must be submitted to the property tax payers, voters of the city, and if sustained by a majority of the votes polled, such loan shall be lawful. All bonds shall specify for what purpose they were



issued, and shall not be sold for less than their par value; provided, that no debt shall be contracted for the payment whereof such bonds are issued until such bonds have been disposed of and the proceeds thereof paid into the city treasury; and when any bonds are issued by the city, a fund shall be provided to pay the interest and two per cent per annum on the capital, as a sinking fund, to redeem the bonds, which fund shall not be diverted or drawn for any other purpose; and the city treasurer shall honor no draft drawn on said fund except to pay interest or to redeem the bonds for which it was provided, and for the payment of such loan to levy a special tax over and above the general tax allowed by this act; provided, the rate of tax shall not exceed one-half of one per cent, and the rate of interest paid shall not exceed seven per cent; provided, also, no loan shall be made for any other purpose or purposes than those connected with the corporation of said city; and no loan shall be made to aid any private enterprise, railroad or undertaking not under the management and control of the city council. The sinking fund for the redemption of any loan or debt to be invested, as fast as the same accumulates, in United States interest bearing bonds, bonds of the State of Texas, or in the city bonds, and such bonds, and the interest of said bonds, to be re-invested and to be sold when necessary to pay debts or loans.

#### Section 45.

To appropriate money and provide for the payment of the debts and expenses of the city; provided, that the bonded debt of the city shall not be increased nor other evidences of debt be issued, exceeding fifty thousand dollars in any one fiscal year, unless authorized by a vote of the property tax payers as hereinbefore provided. The fiscal year shall commence on the first day of March and terminate on the last day of February following.

#### Section 70.

To restrain, regulate and prohibit the selling or giving away of any intoxicating or malt liquors by any person or firm, although duly licensed by the State, when the place of business of such person or firm is connected with a house wherein gaming is permitted to be carried on; or where the same is connected with a vaudeville or other place where theatrical performances are held by whatever name called, when such places or vaudeville, has been declared by the city council to be a place where the idle, vicious and evil-disposed persons habitually congregate, or where indecent performances are allowed.

#### Section 74.

To prohibit and punish the owners, lessees or agents of theatres or other places wherein indecent, lewd or immodest dramatic or theatrical representations are given, and adopt

summary measures for removal or suppression of all such entertainments or establishments.

Section 78.

The city council shall have the right to enact all necessary ordinances to restrain and punish vagrants, mendicants, street beggars and prostitutes; to restrain and control all gambling and punish the keepers of all games and gambling devices with as great a penalty as the same is punished by the statutes of the State. The recorder's court of the city of San Antonio shall have concurrent jurisdiction of all such misdemeanors, when committed in the corporate limits of the city of San Antonio.

Section 103.

The city council shall have the power to pass, publish, amend or repeal all ordinances, rules and police regulations not contrary to the Constitution of the State, and necessary for the order or good government of the city, or the trade, commerce and health thereof, or that may be necessary and proper to carry into effect the powers herein vested in the corporation or any of its officers; to enforce the observance of all such ordinances, rules and police regulations and to punish violations thereof by fines and imprisonment, or either or both, or by work on the streets or other public works, as may be provided by ordinance and required by the judgment of the court; provided that no fine shall exceed \$200 dollars, and no period of imprisonment shall exceed ninety days in the county or city jail, except as herein otherwise provided, and for any fine, penalty and costs imposed by the recorder in the trial of any cause or complaint before him, executions may issue to collect such fines and costs to be levied and executed in the same manner that executions are from courts of justice of the peace. The same shall be issued by the recorder to the marshal, who in levying on property and selling, shall have like power and authority as the sheriff of the county in executions issued from the district or county courts, and the laws of the State so far as applicable shall apply to and be in full force and effect as to the execution issued from the recorder's court, and any person upon whom any fine or penalty is imposed, may be committed until payment of same, with costs, and in default thereof may be imprisoned in the city prison, or may be required to work on the streets or other public works of the city for such time and in such manner as may be provided by ordinance; provided such imprisonment shall not exceed ninety days.

Section 120.

The recorder shall be elected by the qualified voters of the city, and shall hold his office for the term of two years, and until his successor is qualified, and for malfeasance or a failure to perform his duties, may be removed by the city council; he shall be the chief judicial magistrate of the city, and as such shall hold

a court within said city, by the name of recorder's court of the city of San Antonio, which court shall have concurrent jurisdiction and cognizance of all misdemeanors, breaches of the peace, infraction of ordinances, and all other causes arising under the laws of said city; and said court shall also have concurrent jurisdiction of all misdemeanors arising under the criminal laws of the State within said city limits in which the punishment is by fine only, or by fine or imprisonment, or by both; provided, that no fine shall exceed two hundred dollars, or period of imprisonment exceed ninety days in the city or county jail, except as herein otherwise provided; and provided further, that said court shall have concurrent jurisdiction of all cases for keeping disorderly houses or houses of prostitution within the limits of said city. And said court shall be deemed always open for trial of said cases. Said court shall have full power, authority and concurrent jurisdiction in all cases arising under the ordinances of said city, or the State law as hereinbefore limited; and over any breaches and violations thereof and of any and all persons thus offending, including vagrants, gamblers, prostitutes and keepers of disorderly houses, and to try and determine all suits, actions and complaints charging a violation of any ordinance or aforesaid laws, and may grant new trials on motion in writing, showing sufficient cause and duly sworn to, and all prosecutions, trials and proceedings had in said court under this act, shall be governed by the laws and rules regulating trials, prosecutions and proceedings in a justice's court in force at the time, and shall be a bar to prosecutions for the same offense in other courts. The recorder may require of any person arrested under the provisions of this act a bond for his or her good behavior and to keep the peace, or for his or her appearance before said court, with good and sufficient sureties, which bond, as well as all other bonds taken in any proceedings in said court, shall be payable to the city of San Antonio. He shall have full power and authority to issue subpoenas for witnesses, and to compel their attendance by process of an attachment. He may punish all contempts by fine and imprisonment, or either; may issue subpoenas, writs of *capias*, warrants of arrest, search warrants, executions and all process known to law, which a justice of the peace of this State may lawfully issue, and all of said writs and process shall run in the name of the city of San Antonio, be issued, served and executed in the same manner as the like process would be when issued by a justice of the peace, unless herein otherwise provided. He shall also have full power and authority to administer official oaths and all oaths and affirmations, and give certificate therefor. The recorder shall be ex-officio justice of the peace, and he shall possess and execute in the city, in criminal cases, all the powers and duties of such officer, and shall have the same authority and like power with justices of the peace in the prevention and suppression of crime. Provided, that in no case shall he entertain jurisdiction in civil suits. The city council may determine what costs, if any, shall be charged for proceedings in, and for all process issued in said court; and the recorder shall perform such other duties as may be prescribed by any ordinance of said

corporation that may properly and lawfully be required of said officer as the judge of said court, and as are not inconsistent with the laws and Constitution of this State; provided, that all money collected from fines, of whatever character, imposed by the recorder shall be paid into the city treasury for the use of the city. The recorder shall receive the sum of \$1200.00 per annum, and be allowed no fees in cases arising from the violation of the city ordinances, but only in State cases, when thereto authorized by the city council.

#### Section 197.

The city council shall be invested with full power and authority to grade and macadamize, curb, pave, repair or otherwise improve any avenue, plaza, street or alley, whenever they shall declare, by a vote of three-fourths of all the aldermen, that such improvement is for the public interest.

#### Section 201.

In the widening or straightening of any street, avenue or alley, the city council shall determine, by ordinance, the manner and extent of such widening and straightening. Upon the filing of such ordinance, and the plan of the proposed widening or straightening, with the county clerk, it shall be the duty of the county judge to appoint three disinterested freeholders of the city as commissioners, who after being duly sworn to act with fidelity and impartiality, shall carefully estimate the value of the property necessary to be taken for such widening or straightening, making a separate estimate in the case of each owner. It shall be thereafter the duty of the commissioners to estimate the benefit accruing to any property on the street and in the vicinity that they may consider benefitted by such improvement, filing with their report a list of the owners of such property, and the amount of the supposed benefit, stating separately in each case. On the filing of such report with the city clerk, the city council shall at their first meeting thereafter, give five days public notice, through the official journal, at what time said reports shall be acted upon, (which shall not be less than ten days after the expiration of said notice) and all parties feeling aggrieved by the action of said commissioners may be heard by the council on appeal.

The action of the city council shall be limited to the increase of value of the award for property taken, or decrease of the assessment for supposed benefit to property by the improvement contemplated. The city council by tendering to the owner of the land taken the amount of the award may at once enter upon and appropriate said land to the purposes of opening, widening or altering said street, alley, etc. The benefits reported and as may be revised by the city council, shall be assessed as a special tax against the property, and shall be payable at such time as the council may direct; and said tax shall be a lien upon the property until payment thereof, and the city collector shall proceed to collect the said tax in the same manner as other taxes

are collected, provided that, if deemed necessary, the city council may proceed in accordance with the provisions of the preceding section 200 as an additional remedy for the collection of the tax herein assessed.

#### Section 202.

That in addition to the power and authority granted to the city council to collect said assessments as taxes, as aforesaid, they shall have the further and additional remedy of instituting suit, in the corporate name, in any court having jurisdiction, for the recovery against any owner of said property, for the amount due for any such work so made as aforesaid, and the city council shall provide, by resolution or ordinance, under the provisions of this act, for carrying out and executing the powers in this title conferred; and may adopt such resolutions, and enact such ordinances, and make such rules and regulations as they may deem necessary therefor.

#### Section 203.

Whenever the city council shall deem it necessary to take private property for the use of the city such property may be taken for such purpose by making just compensation to the owner thereof. If the amount of such compensation cannot be agreed upon, it shall be the duty of the city council to cause to be stated in writing the particular property required, the name of the owner and his residence, if known, and file the same with the city clerk. Thereafter the city clerk shall notify the owner or agent, if known, of the filing of such statement. The damage to accrue to the owner by reason of such condemnation, shall be assessed by three disinterested freeholders of the city, one to be selected by the owner of the property, one to be selected by the mayor, the third to be selected by the two thus appointed, who after being duly sworn to perform the duties of their appointment with fidelity and impartiality, shall assess the damages to accrue by reason of such condemnation. In the event that the owner of the property shall fail to appoint the commissioner hereinbefore provided for, within ten days from the service of the notice of the city clerk, the mayor shall appoint such commissioner. In the event that the two commissioners cannot agree upon the selection of the third, then the county judge, on application, shall appoint the said commissioner. The city council shall provide, by ordinance, for the service of the notice hereinbefore provided for, and shall also provide the method of assessing the damages to accrue to the owner of the property.

Section 2. The fact that it is important to the interest of the general public of said city that the changes in the charter of said city made by this act go into effect immediately creates an emergency and an imperative public necessity which requires the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect from and after its passage, and it is so enacted.

I do hereby certify that the within S. B. No. 137 originated in the Senate and passed the same by a two-thirds vote February 6th, 1885, 21 ayes, 1 nay.

WM. NEAL RAMEY,  
Secretary of the Senate.

I do hereby certify that the within S. B. No. 137 passed the House by a vote of 74 ayes, 2 nays, February 20th, 1885.

A. D. SADLER,  
Chief Clerk House of Representatives.

Approved March 4th, 1885.

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S. B. No. 136.]

No. 4.

An Act for the relief of W. J. Salyer, and to validate donation warrant No. 509, and the survey made by virtue thereof, issued to G. W. Hockley, Secretary of War, on August 14th, 1838, for 640 acres of land to John Sharp, the said Salyer being now the owner of said certificate.

Whereas, the land certificate issued to John Sharp for 640 acres of land, on the 14th day of August, 1838, by the Secretary of War, was by omission not presented for approval to the Commissioner of Claims as required by law, said certificate being now in good faith located in Williamson county, Texas.

Section 1. Therefore be it enacted by the Legislature of the State of Texas: That said land certificate issued to the said Sharp as aforesaid, be and the same is hereby validated and declared a legal certificate, and the Commissioner of the General Land Office is hereby required to issue a patent by virtue of any location made by said certificate.

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S. B. No. 46.]

No. 5.

An Act for the Relief of William S. Boothe, S. F. Grimes and the heirs of Henry Leftridge deceased.

Section 1. Be it enacted by the Legislature of the State of Texas: That the Comptroller of the State of Texas is hereby authorized and required to issue his warrant in favor of William S. Boothe, S. F. Grimes, both of DeWitt county, and the heirs of Henry Leftridge, deceased, on the Treasurer of the State of Texas, for the sum of five hundred and forty-one dollars, which sum of money was deposited in the Treasury of the State by M. G. Jacobs, as administrator of the estate of James Swindells (supposed to be deceased) on the 22nd day of December, 1875, and which money is now held in the treasury to the credit of "settlement of estates" accounts.

S. B. No. 196.]

No. 6.

An Act for the relief of Z. C. Collier, Thomas Collier and Wm. Ramer.

Whereas, The Commissioner of the General Land Office, by mistake, issued patents on valid land certificates as follows:

Patent No. 575, vol. 24, for 640 acres of land.

Patent No. 574, vol. 24, for 640 acres of land.

Patent No. 573, vol. 24, for 640 acres of land. (Said patents dated September 11th, 1876.)

Patent No. 611, vol 24, for 640 acres of land, dated September 14th, 1876.

Patent No. 55, vol. 25, for 640 acres of land, dated September 12th, 1876.

Patent No. 83, vol. 25, for 640 acres of land, dated September 14th, 1876.

Patent No. 85, vol. 25, for 640 acres of land, dated September 15th, 1876.

Patent No. 86, vol. 25, for 640 acres of land, dated September 15th, 1876.

Patent No. 59, vol. 25, for 640 acres of land, dated September 12th, 1876.

And whereas, said patents are in conflict with older titles; and whereas Z. C. Collier is the lawful owner of all rights acquired by two of said patents, and Thomas Collier is the lawful owner of all rights acquired by five of said patents, and Wm. Ramer is the lawful owner of all rights acquired by two of said patents; therefore,

Section 1. Be it enacted by the Legislature of the State of Texas: That the said Z. C. Collier, Thomas Collier and Wm. Ramer may present to the Commissioner of the General Land Office, the patents aforesaid for cancellation, and the said Commissioner of the General Land Office shall cancel said patents, and upon the cancellation of said patents, the Commissioner of the General Land Office is required and directed to issue to the owner or owners of said patents, a land certificate for 640 acres of land for each patent so cancelled; provided that if a sufficient quantity of the public domain for the location of said certificates cannot be found, the said parties shall have no further claim against the State by reason of anything contained in this act.

Section 2. The land certificates issued under the provisions of section 1, of this act may be filed and located upon any of the unlocated public domain of the State of Texas, and no charge shall be made for the issuance of patents to land located by virtue of said certificates.

Section 3. When any survey or location shall be made by virtue of the certificates aforesaid, and there can not be obtained at that place sufficient vacant land to satisfy said certificates or the unlocated balance of said certificates, then the Commissioner of the General Land Office shall issue, on demand, to the owner or holder of said certificates or unlocated balance, a certificate for the unlocated balance thereof, which may be located, surveyed and patented as provided for the certificates aforesaid.

Section 4. The holder or owner of any certificate or unlocated balance, issued by virtue of this act, shall locate a corresponding quantity of land as called for in said certificate or unlocated balance, for the benefit of the permanent school fund before said land located by virtue of said certificate shall be patented.

Section 5. The rapid diminution of the public domain of the State of Texas creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

NOTE.—The foregoing bill was presented to the Governor on the \_\_\_\_\_ day of March for his approval, but was not approved by him or returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution and thereupon became a law without his signature.

J. W. BAINES,  
Secretary of State.

H. B. No. 174.]

No. 7.

An Act for the relief of Virginia E. Littlepage and to authorize the county court of Travis county to issue to her letters of administration on the estate of her father Caleb V. Littlepage.

Section 1. Be it enacted by the Legislature of the State of Texas: That the county court of Travis county be, and it is hereby fully authorized and required to issue letters of administration upon the estate of Caleb V. Littlepage to his daughter Virginia E. Littlepage upon her applying therefor; notwithstanding the fact that the said Caleb V. Littlepage has been dead more than four years, provided, however, that the said Virginia E. Littlepage shall comply with all the provisions of the laws relating to the estates of deceased persons, except as to the time in which application shall be made for such letters of administration.

Approved March 23d, 1885.

H. B. No. 570.]

No. 8.

An Act to validate all acts done and ordinances passed by the city council of Mexia, prior to February 3rd, 1885.

Section 1. Be it enacted by the Legislature of the State of Texas: That all acts done and all ordinances passed by the city council of Mexia, in Limestone county, this State, from the incorporation of said city, under special charter and prior to the 3rd day of February, 1885, be and the same are hereby validated.

Section 2. The fact that the minutes of the proceedings of said city council have been lost or destroyed, and the further



fact that the present session of the Legislature is drawing to a close rendering the passage of this act improbable in the ordinary course of legislation, creates an imperative public emergency, requiring that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

I hereby certify that H. B. No. 570 originated in the House and passed the same March 12th, 1885, by a two-thirds vote ayes 74.

A. D. SADLER,  
Chief Clerk House of Representatives.

I hereby certify that H. B. No. 570 passed the Senate March 17th, 1885, by a two-thirds vote, ayes 22, nays none.

WM. NEAL RAMEY,  
Secretary of the Senate.

The foregoing act was presented to the Governor for his approval March 23, 1885, but was not signed by him, or returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution and thereupon became a law without his signature.

J. W. BAINES,  
Secretary of State.

H. B. No. 236.]

No. 9.

An Act to authorize and require the Commissioner of the General Land Office to issue a certificate for 1280 acres of land to J. B. Robertson, for military services in the army of the Republic of Texas.

Whereas, J. B. Robertson has heretofore received from the State of Texas a bounty land warrant for 1280 acres of land for military service rendered the Republic of Texas from the 1st June 1836 to 1st June 1837, and whereas said warrant has never been located and has been lost; and whereas in consequence of the destruction of the official records, a duplicate certificate can not be issued, and whereas, said Robertson has given notice as required by law in such cases that he will apply to this Legislature for a special law granting him a certificate for 1280 acres of land.

Section 1. Be it enacted by the Legislature of the State of Texas: That the Commissioner of the General Land Office be and he is hereby authorized and required to issue a certificate for 1280 acres of land to said J. B. Robertson, the same to be located and patented on any of the unlocated public domain authorized by law to be located.

Approved March 27th 1885.

H. B. No. 391.]

No. 10.

An Act amendatory of and supplementary to the several acts incorporating the city of Dallas.

Section 1. Be it enacted by the Legislature of the State of Texas, That sections 2, 3, 7, 11, 20, 58, 59, 78, 79, 82, 96, 109, 163, 164, 165, 166, 167, 169, 170, 171, 174, 188, 190, 199, 204, 209 and 211, of the act to incorporate the city of Dallas approved August 9 1876, and any and all amendments to said sections by the amendatory acts of July 9th, 1879, April 5th, 1881, and March 31st, 1883, be and the same are hereby repealed.

Section 2. That the boundaries of the corporation of Dallas shall be as follows: Beginning at the present initial point on the Trinity river midway between Main and Commerce streets; thence down said river, with its meanders, to the present southwest corner, which is three-fourths of a mile south of a line drawn east and west from said initial point; thence east with the present south boundary line to the present southeast corner of the corporation, which corner is one and a half miles east of a line drawn south from said initial point; thence north with the present east boundary, one and a half miles, to the present northeast corner of the corporation; thence northwest to the northwest line of San Jacinto street; thence southwest with said line to the northeast line of Pavilion street; thence northwest with said line to the northwest line of Ross street; thence southwest with said line to the northeast line of Allen street; thence northwest with said line to the northwest line of Flora street; thence southwest with said line to the northeast line of Ball street; thence northwest with said line to the northwest line of Cochran street, as shown on the city map; thence southwest with said line to the northeast line of Pearl street; thence northwest with said line to the west line of McKinney avenue; thence southerly with said line to the north line of Harwood or Clark street; thence west with said line, being the present boundary, 679 feet, more or less, to the northeast line of west Masten street; thence northwest with said line, being the present boundary, 808 feet more or less, to the northwest line of Payne street; thence southwest with said line, and in that course, being the present boundary, and including the land conveyed by John W. Payne and wife as a part of said street, 1730 feet more or less, to the original north line of the corporation; thence west with said line to the original northwest corner of the corporation, on the Trinity river; thence down said river, with it meanders, to the beginning.

Section 3. That any territory adjoining the present or future boundaries of said corporation may, from time to time, in any size or shape desired, be admitted thereto, and become a part thereof, on application made or written consent given, to the council by the owner or owners of the land, or, as the case may be, by a majority of the legal voters resident on the land sought to be added. In all such cases the territory so added shall be described by metes and bounds in an ordinance accepting, assent-

ing to and adding the same to the municipal corporation; and thereafter, the inhabitants such added territory shall, in all respects, be on an equal footing with the inhabitants of the original municipal territory. Provided, that this section shall not apply to any part of the territory of the town of East Dallas, which shall only be added by a majority vote of the inhabitants thereof in the manner prescribed by law.

Section 4. The municipal government of the city of Dallas shall consist of a city council composed of the mayor and two aldermen from each ward. A majority of the aldermen shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as they may prescribe. At called meetings, or meetings for the imposition of taxes two-thirds of a full board shall be required. The other officers of the corporation shall be a city secretary, treasurer, assessor and collector, a city attorney, a city engineer, a city marshal, a city superintendent of water works, a health officer, and street superintendent, and such other officers and agents as the city council may hereafter create, all of whom shall be elected by the qualified voters of the city of Dallas, as now provided by the city charter, except the city secretary and city treasurer, who shall be elected by the city council at the first regular meeting in May, 1886, and every two years thereafter.

Section 5. That every ordinance passed by council shall be enrolled by the secretary within the next succeeding two days. It shall then be carefully compared with the original bill and all amendments, if any, by at least one member of such committee as may be charged with that duty by the council. If errors exist, they shall be corrected. If no errors exist, or, if found, then, after their correction, the member making the comparison, shall endorse on the margin the words, "correctly enrolled, this .... day of .....18....," and subscribe his name thereto; whereupon he shall immediately deliver the same to the mayor for his consideration. If the mayor approve the same, it shall become a law. If he fail to approve, or object to same, within three days, exclusive of the day of presentation, and Sunday, should that day intervene, the same shall become a law without his signature. But if, within said time, he shall veto the same, presenting his objections to the council, if in session, otherwise filing the same with the secretary, then, on the next meeting of the council, in regular or adjourned session, after reading the objections of the mayor, the bill or measure vetoed shall stand as reconsidered; whereupon, if passed by a majority of the aldermen present, voting by ayes and nays, and entered on the journal, it shall become a law; or, in the discretion of the council, it may be altered or amended and passed and again submitted to the mayor as an original bill for his approval.

Section 6. That all ordinances, when passed, shall be published one time under the general caption of "City Laws," and printed in clear and legible style in such newspaper of the city as may annually, at the last regular meeting of the council in May, after at least five days public notice for bids, be awarded the

contract therefor. Each ordinance shall take effect at such time as in it may be stated; but, if no such time be named, it shall take effect from and after the day of its publication.

Section 7. That the council shall have the power to acquire, with or without the municipal limits, within a radius of five miles from the intersection of Main and Harwood streets, either by purchase, donation, bequest, condemnation or otherwise, suitable grounds for waterworks, public parks, hospitals, cemeteries, house of correction or reform, or both, quarantine, asylums, dumping grounds, or other municipal necessity to the health and well being of the city; and also, the right of way to any and all such places, whether heretofore or hereafter acquired. When it may become necessary to condemn land, or the right of way for any such purpose, if beyond or outside the municipal limits, it shall be done under the State law in force at the time governing the condemnation of land for depot purposes and right of way for railroads, the mayor of the city, under direction of the council, acting in behalf of the corporation. If such land and rights of way be within the municipal limits, the same shall be condemned, when necessary, in the same manner as is by this act provided for the condemnation of land for opening, widening, or extending streets, avenues or other highways. The municipal authorities of the city shall have the power to adopt all necessary means for the police, protection, peace, good order, improvement and use of the same; provided, that no such dumping ground shall be purchased or used on or nearer any public highway than four hundred feet; and, provided further, that all filth and offal removed from the city to such dumping ground shall be either burned or buried.

Section 8. That the council shall have the power to remove any officer of the corporation, after due notice and fair hearing, for incompetency, gross neglect of duty, bribery, corruption, malconduct, malfeasance, or habitual drunkenness. An alderman after like notice and hearing, for either or any of said causes, may be expelled by a vote of two-thirds of the whole number of aldermen, taken by ayes and nays, and entered on the journals. When sitting on the trial of an officer, each alderman shall be under oath or affirmation, to be administered by the mayor, to hear and determine the case without prejudice, partiality, favor or affection. The vote on removal shall be taken by ayes and nays, and entered on the journals; and if two-thirds of the whole number of aldermen vote for such removal, the officer shall thereby stand removed, and no longer exercise the functions of the office.

Section 9. That, in accordance with section ten, article eleven, of the State Constitution, the council may levy a special tax for one or more years for the purchase of ground, erection of buildings, and the support and maintenance of a seminary, academy, or high school, in connection with the public free schools of the city. The council may, also, when deemed necessary, from time to time, levy a special tax in accordance with the State law, for the purpose of erecting additional public school houses, or for enlarging or repairing those already existing, as may be deemed best. The funds so raised shall be appropriated exclusively for the purposes named, including the purchase of ground

when necessary, and shall be diverted to no other purpose. But the aggregate tax levied for either or all of said purposes in any one year shall never exceed one-fourth of one per cent. ad valorem, on the taxable property, real and personal, within the municipality. Nor shall such tax be levied until the question shall have been submitted to vote at a special or general election for that purpose, and approved by those entitled to vote thereon in the manner provided by the Constitution of the State. Such election shall be ordered by resolution of the council as in other cases of special elections.

Section 10. That the city council shall have the power to appropriate private property for the purpose of opening, extending or widening streets, avenues, alleys, or other highways, within the limits of the corporation; but no such property shall be so appropriated or used without the consent of the owner or owners, until the same shall have been paid for. The council, for any such purpose, may acquire land by agreement to be affected through any person designated by the council, and reported by such person to the council for its approval or disapproval, or for any modification deemed necessary by the council, which, when made, shall be subject to the approval of the owner or owners of the land sought to be appropriated. When such an agreement cannot be made, the land desired may be condemned for such public use by a board of six disinterested appraisers, each of whom shall be a freeholder and legal voter in the city, and shall take an oath, to be administered by the mayor, or any alderman of the city "to determine the value of the land in question without prejudice or partiality." The measure of damages shall be the actual value of the ground appropriated. To organize such board of appraisers, the mayor shall cause to be summoned twelve persons, qualified as aforesaid, and fix the time and place of their meeting, giving notice to the owner or owners of the lot or parcels of land sought to be condemned, or his, her or their agent or attorney, if resident of the city or county of Dallas, or, if non-resident, and the resident of the party be known, then such notice shall be sent by mail, taking the postmaster's receipt therefor. The engineer shall immediately make, for the appraisers, and deliver to them at the time of their meeting, a map of the ground sought to be appropriated, showing, also, the ground to be affected thereby, and shall attend them in person, if desired by them, to furnish any other information. When the persons summoned shall meet, the mayor, in behalf of the city, shall select three of the number, and the other party or parties, or his, her or their agent or attorney, three others; and the six, thus chosen, shall constitute the board of appraisers. But if the owner or owners, his, her or their agent or attorney, fails or refuses to make such selection, or cannot be found, then the mayor shall select by lot six of the twelve to serve as such appraisers. A majority of the appraisers agreeing shall be competent to make the award; but should they be equally divided, the six shall select as an umpire a seventh man, possessing the same qualifications, and to be sworn in the same manner, as themselves, when a majority of the seven shall be competent

to make the award. Their report, signed by those concurring, shall be sealed, indorsed, "Award of Appraisers," addressed to the council, and delivered to the mayor, and shall be opened at the next meeting of the council, whether in regular, adjourned or called session, for its approval or rejection. The council shall tax the cost of opening, widening or extending streets, avenues or other highways against the lot or lots, parcel or parcels of ground in the immediate vicinity specially benefited, or enhanced in value thereby, and the amount of such benefits as to such lot or parcel of ground taxed shall be determined at the same time, in the same manner and by the same appraisers making the assessment of damages in the corresponding case of condemnation; or the council may, when deemed just, tax a part of such cost to the respective lots or parcels of ground so benefited, and pay the remainder out of the city treasury. By ordinance, in each such case, before the action of the appraisers, the council shall determine and set forth, whether the whole or a part, and if part, what portion of the cost shall be taxed against the grounds to be benefited by the opening, widening or extending or either, of the streets, avenues or other highway involved, and a copy of such ordinance, setting forth such facts, and describing by metes and bounds the ground proposed to be appropriated for such purpose, shall be delivered to the appraisers for their information and government. Their report and assessment of such benefits shall be made conjointly with that on the condemnation of the ground. Such assessment of benefits, against each lot or parcel of ground, when approved by ordinance of the council, shall by virtue of such ordinance, be and constitute a special tax against each lot or parcel respectively constituting a lien thereon, and shall be collected as other taxes, excepting that the ground may be sold therefor at such time, not less than thirty nor more than sixty days after becoming delinquent, as may be provided in said ordinance; and all such taxes shall become due and payable thirty days after the levy so made by such ordinance. The assessor and collector, in case of the sale of such ground, shall execute and deliver to the purchaser such deed as is required by the State law in like cases; and, in all subsequent proceedings on the subject matter the law of the State in force at the time, so far as applicable, shall govern. Alleys through blocks shall be opened alone at the cost of the owners of ground in each respective block in such mode as the council may provide; and, for that purpose, the right of way may be condemned in the same manner as for opening, widening or extending streets, avenues and other highways.

Section 11. That the fiscal year of the municipality shall begin and end annually at twelve o'clock (noon) on the third Monday in April, and each year shall be designated by the year in which it begins. The council, not later than the twentieth of May, in the beginning of each fiscal year, shall examine the assessment rolls, and levy the annual tax for such year; but special taxes allowed by law may be levied, assessed and collected at such time as the council may in each case, provide.

Section 12. That the city council shall have the power to fix the compensation of all city officers, and to regulate the fees of all jurors, witnesses and others who render services under the charter and ordinance of said city. Whenever the council shall fix the compensation to be paid any officer, whether elected by the people or by the council, they shall make the same payable monthly out of the city treasury. No officers' salary shall be fixed at a sum to exceed fifteen hundred dollars per annum, except the salary of assessor and collector, which shall not exceed three thousand dollars per annum; provided, that the compensation of no officer of the corporation shall be diminished during his term of office.

Section 13. That the council shall have the power to direct and control the laying and construction of street railways, or horse railroads in the streets, avenues, highways and alleys of the city, and to require compensation for their right of way over said highways, and to require such railroads, or railways, and all parts thereof, to be so constructed, laid, graded and kept in repair as to interfere as little as possible with ordinary travel and use of the streets, avenues and alleys, and require the space between the rails to be macadamized or paved and kept in repair by the persons or corporations operating or owning the same, as the railways beyond such limits may be macadamized or paved. The city council shall have power to levy and collect the ordinary municipal taxes upon the roadbed, and all property of street railroads in said city, and in addition thereto the council shall power to levy and collect occupation or license taxes on each car used on such roads. Provided, that such corporation tax shall not exceed the one-half of the amount levied upon such cars by the State for the same year; and, if no such occupation tax is levied by the State, then none shall be levied by the city of Dallas. The city council shall have the right to restrain the rate of speed of all railways and street railroads in the city limits so as not to exceed seven miles per hour, and to compel said street railroads to supply ample accommodations for the safety and convenience of the public, and may enforce the regulations by proper ordinances with suitable penalties for their violation.

Section 14. That the city council shall have the power to pass all ordinances and adopt all resolutions, rules and police regulations not contrary to the Constitution and laws of the State of Texas and necessary for the order and good government of the city or the trade, commerce and health thereof, or that may be necessary and proper to carry into effect all powers vested by the charter and amendments thereto, and to enforce all such ordinances, resolutions, rules and regulations, and punish violations thereof by fines, imprisonment, or either, or both, or by work on the streets, or other public works as may be required by ordinance and the judgment of the court; and for any fine, penalty and costs imposed by the mayor or recorder, executions may issue to collect such fines and costs, to be levied and executed in the same manner that executions are from justice of the peace courts. The same shall be issued by the mayor or recorder to the marshal, who, in levying on property and selling, shall have like power and authority as the sheriff of the county

in executions issued from the district, or the county, or the justice of the peace courts; and the laws of the State, so far as applicable, shall apply to and be in full force and effect as to the executions issued from the mayor's or recorder's court. Provided, that whenever the courts of the State and the city courts have concurrent jurisdiction of an offense, the court which first acquires jurisdiction shall have the exclusive jurisdiction of such cause.

Section 15. That the city council shall have power by ordinance to cause to be graded, paved, macadamized, graveled, or otherwise constructed, improved, or repaired, all streets, sidewalks, alleys and public highways, including cross streets in the city limits, at such times, to such an extent and out of such material and under such regulations as the city council may provide by ordinance. The owners of property, fronting or abutting on any street so improved shall pay pro rata the costs of two-thirds of such improvements, according to the number of front or abutting feet; and the city shall pay the other third. Provided, that when any person or corporation owns or runs a street or horse railway on such street, avenue or alley, such person or corporation shall pay for paving of that part of the street between the rails of such street railway, and the owners of fronting or abutting property on such street shall each be relieved of this pro rata of such sum so paid by the owner or owners of such railway. The city council shall have improved in the same manner as the rest of the streets all the intersections of streets when they cross the streets so improved, and to the middle of the street where another street enters, but does not cross the street being so improved. The improvement of intersections and abutments of other streets, to be paid for out of the general fund, except that portion of said improvement which may be occupied or used by said railways or street railroads which must be paid for as herein above provided for other portions of said roads, by the persons or corporations owning or operating the same. Whenever the city council determine, by ordinance, that such work shall be done, and the manner and extent of the same, they shall advertise for bids, giving the plans, specifications and extent of the improvement. The work shall be let to the lowest responsible bidder in the discretion of the city council, and with such bond as the council may determine. Said council shall levy a special tax on the property fronting or abutting on said street so improved pro rata according to the number of feet of front or abutment; and when railways or street railroads are operated on a street so improved the council shall levy a special tax upon the roadbed, ties, rails, fixtures, rights and franchises of such roads according to the pro rata share of expense of such improvement that may be due from said roads for paving the space between their rails. Said tax shall be levied after contract is let, and the time of payment of the same, and when it shall become delinquent shall be specified by ordinance. Said tax shall be used for the payment of such improvement, shall be a lien from the time of levy, and shall be enforced as the collection of other taxes by advertisement and sale of the property, rights and franchises levied upon;



provided, it shall not be necessary to sell at the same time as for other delinquent ad valorem taxes. If said special taxes be not paid in full in ten days from the completion of said work and levy of the special tax, then the assessor and collector shall proceed at once to advertise and sell said property for the special tax due thereon, giving the same notice, and executing similar deed as is given when property is sold by city for ad valorem taxes. Provided, the city council may, in its discretion, make the special paving tax delinquent, as follows: One-fourth of the total amount of levy to be due in thirty days, and delinquent in sixty days after levy, one-fourth to be due and delinquent in one year from the date of levy, one-fourth in two years and one-fourth of the entire levy due and delinquent in three years from the date of the levy of said tax; said tax to be levied and collected in the same manner as to heretofore provided, and to be a lien on all property against which it is levied.

Section 16. That owing to the near approach of the annual election in the municipal corporation an imperative necessity exists for suspending the constitutional rule requiring bills to be read on three several days, and that the same should take effect from and after its passage and it is so enacted.

I hereby certify that H. B. No. 391 originated in the House and passed the same March 14th, 1885, by a two-thirds vote, ayes 78.

A. D. SADLER,  
Chief Clerk House of Representatives.

I hereby certify that H. B. No. 391 passed the Senate March 23d, 1885, by ayes 23, nays none.

WM. NEAL RAMEY,  
Secretary of the Senate.

NOTE.—The foregoing bill was presented to the Governor for his approval March 28, A. D. 1885, but was not signed by him or returned to the house in which it originated with his objections thereto, within the time prescribed by the Constitution, and therefore it became a law without his signature.

J. W. BAINES,  
Secretary of State.

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THE STATE OF TEXAS, {  
Department of State. }

I, J. W. Baines, Secretary of State of the State of Texas, do certify that I have carefully compared the foregoing laws, passed by the Nineteenth Legislature of the State of Texas, at its regular session, with the original enrolled bills now on file in this Department, and that they are true copies thereof; and I further certify that said Nineteenth Legislature convened in Austin, January 13, 1885, and adjourned March 31, 1885.

[L. S.] In Testimony Whereof, I have hereunto signed my name, and impressed hereon the seal of State, at Austin, this, April 20, A. D. 1885.

J. W. BAINES,  
Secretary of State.

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**GENERAL LAWS**  
**OF**  
**THE STATE OF TEXAS**

**PASSED AT THE**  
**REGULAR SESSION OF THE TWENTIETH LEGISLATURE**

**CONVENED**  
**AT THE CITY OF AUSTIN**

**JANUARY 11, 1887, AND ADJOURNED APRIL 4, 1887.**



**AUSTIN, TEXAS**  
**1887**

THE  
JOURNAL  
OF  
THE  
ROYAL  
ANTHROPOLOGICAL  
INSTITUTE

1907  
VOLUME 37

# GENERAL LAWS OF TEXAS.

## TWENTIETH LEGISLATURE, 1887.

### APPROPRIATION FOR MILEAGE AND PER DIEM PAY OF OFFICERS, MEMBERS AND EMPLOYEES.

Sec.

1. \$30,000.00, per diem pay of members, etc., of the Twentieth Legislature.

Sec.

2. Manner of auditing claims against this appropriation.

3. Emergency clause.

CHAP. 1.—[S. H. B. No. 4.] An Act making an appropriation for the mileage and per diem pay of members and the per diem pay of the officers and employes of the Twentieth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas: That the sum of eighty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the payment of mileage and per diem pay of members and per diem pay of officers and employes of the Twentieth Legislature of the State of Texas.

Sec. 2. That the certificate of the Secretary of the Senate, approved by the President thereof, or of the Chief Clerk of the House, approved by the Speaker thereof, shall be sufficient evidence to the Comptroller upon which he shall audit the claims and issue his warrants upon the Treasurer for the respective amounts.

Sec. 3. And whereas, the Twentieth Legislature, for the payment of the officers, members, and employes of which this law is enacted, is now in session, and public policy requires their payment; therefore, an imperative public necessity exists that the rule requiring this bill to be read on three several days be suspended, and it is so suspended, and that this act take effect and be in force from and after its passage.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 98 yeas, no nays; and passed the Senate by a vote of 24 yeas, no nays.]

Approved, January 18, 1887.

### APPROPRIATION TO DEFRAY CONTINGENT EXPENSES.

Sec.

1. \$30,000 appropriated to defray expenses of Twentieth Legislature.

Sec.

2. Emergency clause.

CHAP. 2.—[S. H. B. No. 5.] An Act making an appropriation to defray the contingent expenses of the Twentieth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas: That the sum of thirty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any moneys in the Treasury

not otherwise appropriated, to pay the contingent expenses of the Twentieth Legislature; that (except in cases of accounts for printing done and stationery furnished) the certificate of the chairman of the Committee on Contingent Expenses that an account has been examined and approved by said committee, and countersigned by the President of the Senate, or the Speaker of the House, as the case may be, shall be sufficient authority to authorize and require the Comptroller of Public Accounts to draw his warrant on the State Treasurer for the payment of any claim against said fund. The accounts for printing and stationery shall take the course prescribed by the Revised Statutes.

Sec. 2. Whereas, it is of sufficient public importance that the contingent expenses of the Legislature be promptly paid, in order that the material furnished and the labor performed may be procured at cash prices, and the want of such appropriation to pay the contingent expenses of the Twentieth Legislature creates an imperative public necessity that the rule requiring bills to be read on three several days in each house should be suspended and this act take effect from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 100 yeas, no nays; and passed the Senate by a vote of 20 yeas, no nays.]

Approved, January 22, 1887.

#### RELIEF OF CITIZENS SUFFERING BY REASON OF DROUTH.

##### Art.

1. Appropriates \$100,000 for relief of sufferers in the drouth-stricken district.
2. Provides for the appointment, and prescribes the duties of relief committee.
3. Provides for payment of committees' drafts by warrant of Comptroller—Duties of county treasurer.
4. Provides for purchase and distribution of corn by commissioners court.

##### Art.

5. Prescribes duties of said court with respect to distribution of supplies—Limits relief to those not able to buy bread.
6. Defines a quorum of committee, and prescribes manner of immediate relief.
7. Relief Committee to procure information, and make report.
8. Mileage and per diem pay of members of said Committee.
9. Prescribes oath of members of the Committee.
10. Emergency clause.

CHAP. 3.—[S. S. B. No. 74.] An Act to be entitled An Act to provide for the relief of citizens of Texas suffering by reason of the drouth, to make an appropriation therefor, and to prescribe the manner in which it shall be distributed.

Article 1. Be it enacted by the Legislature of the State of Texas: That whereas a long and protracted drouth, beginning in June, A. D. 1885, and continuing with but little intermission up to the present time, has devas[ta]ted a large portion of the State of Texas, whereby many thousands of her citizens are destitute of food, and a great public calamity now exists by reason of said drouth, that the sum of one hundred thousand dollars, or so much thereof as may be necessary, out of any funds now in the State treasury not otherwise appropriated, be and the same is hereby set aside and appropriated for the immediate relief of those suffering from destitution by reason of said drouth.

Art. 2. That the Governor, with the advice and consent of the Senate, shall immediately appoint a committee of three disinterested citizens of the State of Texas, to be known as the Drouth Relief Committee, whose duty it shall be to immediately visit the portions of this State where such destitution prevails, and ascertain the extent of such destitution caused by said drouth; and should said committee upon investigation be satisfied that the people of any county are in destitute circumstances by reason of said drouth, said committee shall draw a draft on the State of Texas, in favor of the

treasurer of such county, for such sum of money as in the judgment of said committee shall be adequate and proper for the immediate relief of the destitute of such county: Provided, That drafts drawn by the committee shall not exceed in the aggregate the sum herein appropriated.

Art. 3. That said drafts so drawn by said committee shall be endorsed by the Governor, and a warrant issued thereon by the Comptroller to the State Treasurer, and he shall pay the same to the county treasurer in whose favor they are severally drawn, out of the funds hereinbefore mentioned as set aside for the relief of those suffering from destitution by reason of said drouth, and the county treasurers of such counties shall designate the money so received by them as the relief fund of the county, and shall pay out the same under the order of the commissioners courts of their several counties, as hereinafter provided: Provided, however, That county treasurer shall receive no commissions for receiving or paying out said money: And provided further, That the county treasurer shall execute a bond, payable to the county judge, to be approved by said county judge, with two or more good and sufficient sureties, in double the amount to be paid into his hands, conditioned that he will faithfully account for and disburse said money.

Art. 4. The commissioners court of any county receiving said moneys shall immediately purchase corn, flour, or meal, at such places and in such manner as to said court may seem proper, and shall distribute the same as a donation to the destitute citizens of their several counties as their immediate necessities may demand.

Art. 5. The commissioners court purchasing provisions under the preceding article shall give orders on the county treasurer of said county for money to pay for the same, and in distributing said provisions shall give no aid to any persons who have or are able to buy bread for themselves and shall require affidavits to be made by two credible persons, one of whom may be the party for whom the aid is sought, showing such inability to purchase said food, and that such inability was occasioned by the drouth, and further showing such persons for whom aid is solicited to have been bona fide citizens of the county in which they then reside for more than three months next preceeding the time of making such application.

Art. 6. Two members of said drouth relief committee shall constitute a quorum for the transaction of business in this behalf. Said committee shall not be required to visit all of the counties that are suffering from destitution caused by said drouth before furnishing relief, but may in their discretion draw drafts for the relief of the people of the counties in succession as visited by them, so as to give them immediate relief, having due regard for the probable number of people to be relieved and the amount herein appropriated to be drawn from.

Art. 7. Said drouth relief committee shall procure information concerning the extent of said drouth and the destitution caused thereby, and make a full report of the same with such suggestions as to them may seem proper, together with a full report of their action, to this Legislature, by or before the 15th of March, 1887.

Art. 8. The members of said drouth relief committee shall each receive the sum of five dollars per day for each day actually engaged in the discharge of their duties as required by this act, and all actual necessary expenses incurred by them: Provided, That no members of said committee shall receive pay for more than forty days services, an accurate itemized account of which said actual necessary expenses and per diem services of each member shall be made under oath by said members, approved by the Governor, and presented to the Comptroller of the State of Texas, who shall



thereupon issue a warrant for the same, and the State Treasurer shall pay the same out of the said sum set aside for the immediate relief of those suffering by reason of said drouth.

Art. 9. Each member of the drouth relief committee, before entering upon the discharge of his duties as such, shall take and subscribe an oath to faithfully and impartially discharge his duties as a member of the drouth relief committee, which said oath shall be filed in the office of the Secretary of State.

Art. 10. Whereas great distress, owing to said destitution by said drouth, now prevails in a large portion of this State, therefore there is an imperative public necessity that the rule requiring bills to be read on three several days be suspended, and an emergency exists requiring this act to be in force from and after its passage and it is so enacted.

[Note.—The foregoing act originated in the Senate and passed the same by a vote of 21 yeas, 8 nays; and passed the House by a vote of 75 yeas, 14 nays.]

Approved, January 31, 1887.

#### BREWSTER COUNTY—CREATION AND ORGANIZATION.

Sec.

1. Creates and prescribes boundaries of Brewster County.
2. Prescribes how this county shall be organized.
3. Provides for the levy of a tax by this county to pay its pro rata share of Presidio County debts.

Sec.

4. Attaches this county to the Thirty-fourth Judicial, Eleventh Congressional, Twenty-eighth Senatorial and Eightieth Representative Districts.
5. Emergency clause.

CHAP. 4.—[S. H. B. No. 23.] An Act to create the County Brewster, and to provide for its organization.

Section 1. Be it enacted by the Legislature of the State of Texas: That a new county, to be called Brewster County, is hereby created out of the following portions of Presidio County, to-wit: Beginning at the southwest corner of section 10, in block WJG 5, in Presidio County; thence south 58 miles, more or less, to a point  $4\frac{1}{2}$  miles N. and  $\frac{1}{2}$  mile east of N. W. corner of survey 459 located by virtue of certificate number 1118 issued to the G. C. & S. F. Ry. Co.; thence east 30 miles; thence north to Pecos County line; thence N. W. along said line to a point due north of Leoncito Springs; thence in a S. westerly course to a point six miles due east of the beginning; thence west to the place of beginning.

Sec 2. That J. M. Gaddes, T. S. Brockenbrow and C. E. Way are hereby appointed a committee for the purpose of organizing said county of Brewster; and they shall within ten days after the passage of this act lay off said county into four commissioners precincts, and convenient justices precincts, not to exceed eight in number; also convenient voting precincts for the election of county officers, and designate places in each of said precincts where elections shall be held. Said committee shall within ten days thereafter order an election to be held for county officers and for the selections of a county seat for said county; and they shall appoint presiding officers of election for each voting precinct as prescribed by law in other cases. The election returns shall be made to said committee, who shall count the vote and issue certificates of election to the persons elected, and shall approve the bonds of such officers, and administer to them the oath of office. Said committee shall keep a record of all its proceedings, and file the same in the office of the county clerk, when elected, who shall record the same. That any two of said committee shall constitute a quorum for

the transaction of business, and any one of said committees shall have power to administer the oath of office to the officers elected.

Sec. 3. That the new county shall pay a pro rata share of the existing legal debts of the county from which it is taken, and there shall be set apart so much of the county taxes levied and collected on the property within said new county as shall be sufficient to speedily liquidate said existing debts, if any, and the said pro rata to be based upon the value of the property for each year of the existence of said debts, to be determined from the tax rolls of said county as made by the board of equalization.

Sec. 4. That the county of Brewster is hereby attached to the Thirty-fourth Judicial District for judicial purposes, to the Eleventh Congressional, Twenty-eighth Senatorial, and Eightieth Representative Districts for purposes of representation.

Sec. 5. Whereas, the County Commissioners Court of Presidio County is about to levy taxes for the present year, therefore an emergency exists, and an imperative public necessity requiring that the rule requiring that bills be read on three several days be suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 93 yeas, no nays; and passed the Senate by a vote of 27 yeas, no nays.]  
Approved, February 2, 1887.

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#### AFFIDAVITS, OATHS, AND AFFIRMATIONS.

Sec. 1. By what officers oaths, etc., may be administered.

CHAP. 5.—[S. B. No. 21.] An Act to amend An Act to amend Article 4, Title 2, of the Revised Civil Statutes of the State of Texas, approved March 31, 1885, concerning the administration of affidavits, oaths, and affirmations.

Section 1. Be it enacted by the Legislature of the State of Texas: That an act to amend An Act to amend Article 4, Title 2, of the Revised Civil Statutes of Texas, approved March 31, 1885, be so amended as to hereafter read as follows, to-wit: Article 4. All oaths, affidavits, or affirmations necessary or required by law, may be administered, and a certificate of the fact given, by any judge or clerk of a court of record, justice of the peace, or by any notary public, within this State.

Approved, February 5, 1887.

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#### SPECIAL VENIRE.

Sec. 1. Manner of serving list of jurors on defendants.

CHAP. 6.—[S. B. No. 12.] An Act to amend Article 617, Chapter Two, Code Criminal Procedure of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 617, of Chapter 2, Code of Criminal Procedure, be amended so that the same shall hereafter read as follows:

Article 617. No defendant in a capital case shall be brought to trial until he has had one day's service of a copy of the names of persons summoned under a special venire facias, except where he waives the right, or is on bail; and when such defendant is on bail he shall not be brought to trial until after one day from the time the list of persons so summoned

shall have been returned to the clerk of the court in which said prosecution is pending; but the clerk shall furnish the defendant, or his counsel, a list of the persons so summoned, upon their application therefor.

Approved, February 15, 1887.

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#### VETERAN LAND CERTIFICATES.

Sec. 1. Repeals Chapter XLV, General Laws Seventeenth Legislature, approved March 15, 1881, granting certificates of 1280 acres to veterans, etc.

CHAP. 7.—[S. B. No. 36.] An Act to repeal Chapter Forty-five of the General Laws of the State of Texas passed by the Seventeenth Legislature of the State of Texas, and approved March 15th, A. D. 1881.

Section 1. Be it enacted by the Legislature of the State of Texas: That Chapter 45 of the General Laws of the State passed by the Seventeenth Legislature of the State of Texas, and approved March 15, 1881, and known as the veteran 1280 acre land certificate act, be and the same is hereby repealed.

Approved, February 15, 1887:

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#### RAILROADS.

Sec.

1. Railway companies may abandon portions of track.

Sec.

2. Emergency clause.

CHAP. 8.—[S. B. No. 103.] An Act to authorize railway companies to abandon certain portions of their roads near the coast, when their termini are at points where towns being county sites have been destroyed by storms and cyclones.

Section 1. Be it enacted by the Legislature of the State of Texas: That any railway company in the State of Texas having a terminus on the coast, the said terminus being a county site, and the same having been destroyed by storms and cyclones, and when said county site has been removed back from the coast near the line of said railway, it shall be lawful for said railway company to remove and take up its track from its original terminus on the coast to a point opposite, or near, said new county site: Provided, Said railway company make its terminus at, and build its road to, said new county site.

Sec. 2. This being a matter of great general interest and importance, and there being no law regulating the same, an imperative public necessity exists for its immediate passage; it is therefore enacted that the constitutional rule requiring bills to be read on three several days before passage be suspended, and this act take effect from and after its passage.

[Note.—The foregoing act originated in the Senate, and passed the same by a vote of 27 yeas, 1 nay; and passed the House by a vote of 80 yeas, no nays.]

Approved, February 16, 1887.

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#### UNLAWFULLY CARRYING ARMS.

Sec. 1. Enumerates prohibited weapons, and increases punishment for this offense.

CHAP. 9.—[H. B. No. 51.] An Act to amend Article 318, Chapter 4, Title 9, of the Penal Code of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 318 of the Penal Code shall be amended as to hereafter read as follows:

Article 318. If any person in this State shall carry on or about his person, saddle, or in his saddlebags, any pistol, dirk, dagger, slung shot, sword cane, spear, or knuckles made of any metal or any hard substance, bowie knife, or any other kind of knife manufactured or sold for purposes of offense or defense, he shall be punished by fine of not less than twenty-five nor more than two hundred dollars, and shall be confined in the county jail not less than twenty nor more than sixty days.

Approved, February 24, 1887.

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RAPE.

Sec. 1. More fully defines rape.

CHAP. 10.—[H. B. No. 47.]—An Act to amend Article 528, Chapter Seven, Title 15, of the Penal Code.

Section 1. Be it enacted by the Legislature of the State of Texas: That Title 15, Chapter 7, Article 528, of the Penal Code, be amended so as to hereafter read as follows:

Article 528. Rape is the carnal knowledge of a woman without her consent, obtained by force, threats, or fraud; or the carnal knowledge of a female under the age of ten years, with or without consent, and with or without the use of force, threats, or fraud; or the carnal knowledge of a woman other than the wife of the person having such carnal knowledge, with or without consent, and with or without force, threats, or fraud, such woman being so mentally diseased at the time as to have no will to oppose the act of carnal knowledge, the person having carnal knowledge of her knowing her to be so mentally diseased.

Approved, February 25, 1887.

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SCHOOL LANDS.

Sec.

1. Extends time for payment of principal.

Sec.

2. Saving clause as to interest.  
3. Emergency clause.

CHAP. 11.—[H. B. No. 304.] An Act extending for ten years the payment of the principal of the purchase money for lands purchased under the two acts of the Legislature herein named.

Whereas, under an act of the Legislature of this State providing for the sale of State school lands, approved April 24, 1874, and an act of the Legislature of this State providing for the sale of the asylum lands of the State, approved April 25, 1874, many of said lands were sold on a credit of ten years, the principal bearing ten per cent interest per annum; and

Whereas, many of the obligations given for said lands are now about to become due, and said purchase money is bringing to the State a higher rate of interest than can be otherwise obtained for the same sum; and

Whereas, it is to the interest of the State school fund, and other funds to which such lands belong, that the time for the payment of said principal purchase money be extended: Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas: That all purchasers of said lands under either of the above recited acts, or their assignees, shall have ten years from the date when their original obligations given for said lands shall have fallen due within which to pay the principal of said obligations and no forfeiture of said lands shall be declared on account of the non-payment of the principal of said obligation until the

expiration of ten years from the date of the maturity of the same as originally made.

Sec. 2. Nothing in this act shall be construed to, in any respect, relieve said purchasers from the payment of interest on said lands in the manner or on the terms presented in said original acts, nor to prevent a forfeiture of said lands for a failure to comply with the terms of said original obligations in the payment of interest.

Sec. 3. Whereas, many of said obligations will fall due on the first day of March, 1887, and whereas it is to the interest of the State that said principal sums yet unpaid should be left unpaid so long as the same will bring ten per cent interest, and whereas many of the said purchasers will be compelled to make great sacrifices to secure the money to pay said obligations if compelled to pay the same when due, therefore an imperative public necessity exists for the immediate passage of this bill, and that it take effect from passage; therefore the constitutional rule requiring bills to be read on three several days is hereby suspended, and it is enacted that this bill take effect from and after its passage.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 71 yeas, 21 nays; and passed the Senate by a vote of 23 yeas, 1 nay.]

Approved, February 25, 1887.

#### NEW COUNTIES CREATED OUT OF TOM GREEN COUNTY.

Sec.

1. Creates six counties out of Tom Green County and declares boundaries, viz.: [a] Ector County, [b] Winkler County, [c] Loving County, [d] Upton County, [e] Crane County, [f] Ward County.
2. Declares in whose honor said counties are named.
3. Attaches Winkler, Loving, and Ward to Reeves County for judicial and other purposes.

Sec.

4. Attaches Ector, Crane, and Upton to Midland County for judicial and other purposes.
5. Expense of surveying lines of new counties, how paid.
6. New counties to pay pro rata share of Tom Green County debts contracted for public buildings.
7. Emergency clause.

CHAP. 12.—[H. B. No. 113.] An Act to divide the western portion of Tom Green County into six new counties.

Section 1. Be it enacted by the Legislature of the State of Texas: That the following new counties shall be and are hereby created out of the western portion of Tom Green County, and the boundaries thereof shall be as follows:

[a] The County of Ector: Beginning at the northwest corner of Midland County; running thence south with the line of Midland County 30 miles; thence west 30 miles; thence north 30 miles to the south boundary line of Andrews County; thence east 30 miles with the southern boundary line of Andrews County to the place of beginning.

[b] The County of Winkler: Beginning at the northwest corner of Ector County; thence running south with the west boundary line of Ector County 30 miles; thence west 31 miles; thence north  $27\frac{1}{2}$  miles to the south boundary line of New Mexico; thence east with the south boundary line of New Mexico 13 miles to the southeast corner of New Mexico; thence north with the east boundary of New Mexico  $2\frac{1}{2}$  miles to the southwest corner of Andrews County; thence east with the south boundary line of Andrews County 18 miles to the place of beginning.

[c] The County of Loving: Commencing at the northwest corner of Winkler County; running thence south with the west boundary line of Winkler County twenty-seven and one-half ( $27\frac{1}{2}$ ) miles; thence due west to the Pecos River; thence northwesterly with the meanderings of the Pecos River to the point at which the south boundary line of New Mexico crosses the Pecos River; thence east with the south boundary line of New Mexico to the place of beginning.

[d] The County of Upton: Commencing at the southeast corner of Midland County, thence west with the south boundary line of Midland County thirty-one  $\frac{1}{8}$  miles to the northeast corner of Crane County; thence south thirty-six miles to the north boundary line of Crockett County; thence east with the north boundary line of Crockett county thirty-one  $\frac{1}{8}$  miles; thence north thirty-six miles to the place of beginning.

[e] The County of Crane: Commencing at the northwest corner of Upton County; thence running west with the south boundary line of Ector County twenty-six and one-half miles; thence due south to the Pecos river; thence in a southeasterly direction with the meanderings of the river Pecos to a point where the north boundary line of Crockett County touches the Pecos River; thence east with the north boundary line of Crockett County to the southwest corner of Upton County; thence north with the west boundary line of Upton County thirty-six miles to the place of beginning.

[f] The County of Ward: Commencing at the northwest corner of Crane County; thence due west with the south boundary line of Winkler and Loving Counties to the Pecos River; thence in a southeasterly direction with the meanderings of the Pecos River to the southwest corner of Crane County; thence north with the west boundary line of Crane County to the place of beginning.

Sec. 2. [a] The county of Ector is named in honor of General Mat. Ector, commander of Ector's Brigade, and judge of the Court of Appeals of Texas.

[b] The county of Winkler is named in honor of C. M. Winkler, a distinguished statesman, soldier and jurist of Texas.

[c] The county of Loving is named in honor of Oliver Loving, a brave pioneer of West Texas, who fell at the hands of the Indians, in the territory designated by his name.

[d] The county of Upton is named in honor of Colonel John Upton, who was killed at the head of his regiment, gloriously leading the same in the charge at the second battle of Manassas, and his distinguished brother, the Hon. William F. Upton (lately deceased).

[e] The county of Crane is named in honor of William Carey Crane, the author of the Life of General Sam Houston, and twenty-five years president of Baylor University, this State.

[f] The county of Ward is named in honor of Thomas William Ward, a commissioner of the General Land Office, and United States Consul to Panama, under the administration of Buchanan.

Sec. 3. That the counties of Winkler, Loving, and Ward be and the same are hereby attached to the county of Reeves for judicial, surveying, and all other purposes.

Sec. 4. That the counties of Ector, Crane, and Upton be and the same are hereby attached to the County of Midland for judicial, surveying, and all other purposes.

Sec. 5. The expenses of running and marking the lines of the new counties thus to be created by this act shall be paid by the new counties, and each person appointed to run and mark any line or lines of any of the said new counties shall be allowed three dollars per mile for each mile run and designated.

Sec. 6. That the new counties to be created by this act shall pay a pro rata share of the existing debt of the county of Tom Green contracted for public buildings; and there shall be set apart so much of the county tax levied and collected upon the property situated in the portions so taken from the county of Tom Green, annually, as shall be sufficient to speedily liquidate said debt, if any.

Sec. 7. The isolated condition of the people now residing in the new counties created by this act creates an imperative public necessity, and an emergency exists requiring the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 78 yeas, 1 nay; and passed the Senate by a vote of 24 yeas, no nays.]  
Approved February 26, 1887.

#### DEALING IN FUTURES.

Sec.

1. Prescribes the punishment for dealing in futures, etc.
2. Punishment for permitting such business conducted on one's premises.

Sec.

3. Repeals Act to amend Chapter Two, Title II, Penal Code, adding 354a, approved March 31, 1885.

CHAP. 13.—[S. B. No. 7.] An Act to prohibit and punish dealing in futures, and to punish persons for permitting their premises to be used to carry on such business, and to repeal an act entitled "An Act to amend Chapter Two, Title II, of the Penal Code of the State of Texas, adding thereto Article 354a," approved March 31st, 1885.

Section 1. Be it enacted by the Legislature of the State of Texas: That if any person shall, directly or through an agent or agents, manage or superintend for himself, or shall as agent or representative of any other person, firm or corporation, conduct, carry on or transact any business which is commonly known as dealing in futures, in cotton, grain, lard, any kinds of meats, or agricultural products, or corporation stocks, or shall keep any house, or manage, conduct, carry on or transact any business commonly known as a produce or stock exchange, or bucket shop, where future contracts are bought or sold, with no intention of an actual bona fide delivery of the article or thing so bought or sold, such person, whether acting for himself or for another, as aforesaid, shall be deemed guilty of a misdemeanor, and shall be fined in any sum not less than one hundred nor more than five hundred dollars, and in addition thereto shall be imprisoned in the county jail not less than thirty days nor more than six months: Provided, That each day that such business or house is carried on or kept shall constitute a separate offense.

Sec. 2. Whoever knowingly permits any such business to be carried on in his building, house, booth, arbor, or erection, of which he is the owner, or has the possession, care, management, or renting, shall be guilty of a misdemeanor, and on conviction fined in any sum not less than one hundred nor more than five hundred dollars. Each day he so permits shall constitute a separate offense.

Sec. 3. That an act entitled "An act to amend Chapter 2, Title 2, of the Penal Code of the State of Texas, adding thereto Article 354a," approved March 31, 1885, be and the same is hereby repealed.

Approved, March '1, 1887.

#### STAY OF EXECUTION.

Sec. 1. Prescribes oath and bond to stay.

CHAP. 14.—[S. B. No. 31.] An Act to amend Article 1636 of the Revised Civil Statutes of Texas, adopted by the regular session of the Sixteenth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 1636 of the Revised Civil Statutes of Texas be and the same is hereby amended so that it shall hereafter read as follows, to-wit:

Article 1636. At any time within ten days after the rendition of any judgment in a court of a justice of the peace, such justice may grant a stay of execution thereon for three months from the date of such judgment, if the person against whom such judgment was rendered shall, with one or more good and sufficient sureties, to be approved by the justice, appear before him and acknowledge themselves and each of them bound to the successful party in such judgment for the full amount thereof, with interest and costs, which acknowledgment shall be entered in writing on the docket, and signed by the persons binding themselves as sureties: Provided, No such stay of execution shall be granted unless the party applying therefor shall first file with the justice an affidavit in writing that he has not the money with which to pay such judgment, and that the enforcement of same by execution prior to three months would be a hardship upon him, and would cause a sacrifice of his property which would not likely be caused should said execution be stayed.

Approved, March 1, 1887.

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#### HIRING COUNTY CONVICTS.

Sec. 1. Convicts (misdemeanor) may be hired out or put to work on public roads, etc.

CHAP. 15.—[S. B. No. 45.] An Act to amend an act entitled An Act to amend Article 3602, Chapter 10, Title 71, of the Revised Civil Statutes of the State of Texas, relating to the hiring of county convicts, approved May 4th, 1882.

Section 1. Be it enacted by the Legislature of the State of Texas: That an act entitled An Act to amend Article 3602, Chapter 10, Title 71, of the Revised Civil Statutes of the State of Texas, relating to the hiring of county convicts, approved May 4, 1882, be so amended as to read hereafter as follows:

Article 3602. Any person who may be convicted of a misdemeanor or petty offense, and who shall be committed to jail in default of the payment of the fine and costs adjudged against him, may be worked upon the public roads or upon the county farms of the county in which such conviction is had, or be hired out to any individual, company or corporation within the county of conviction, to remain in said county, and the proceeds of said hiring, when collected, shall be applied, first, to the payment of the costs, and second, to the payment of the fine; and every convict shall be entitled to a credit of twenty-five cents on his fine and costs for each day he may serve under such hiring, including Sunday, and he shall be discharged at any time upon payment of the balance due on his fine and costs or upon the expiration of his term of service, his term of service in no event to be greater than one day for each twenty-five cents of fine and costs: Provided, That in no case shall the counties be responsible to the officers for their costs, and in no case shall such convicts be hired out for a longer period than two years for failure to pay a fine and costs, and on the expiration of said time, unless by his hire such fine and costs have been sooner paid off, said convicts shall be finally discharged.

Approved, March 1, 1887.



## DISTRICT ATTORNEY FOR SIXTH JUDICIAL DISTRICT.

Sec.

1. Creates office of District Attorney in Sixth Judicial District.

Sec.

2. Prescribes respective duties of district and county attorneys in said district.
3. Emergency clause.

CHAP. 16.—[S. B. No. 275.] An Act to create the office of District Attorney for the Sixth Judicial District of the State of Texas, and to regulate the respective duties of such District Attorney and of the County Attorneys in said district.

Section 1. Be it enacted by the Legislature of the State of Texas: That the office of District Attorney for the Sixth Judicial District of the State of Texas be and the same is hereby created; and a District Attorney shall be elected for said district at each general election hereafter to be held: Provided, That the Governor shall, immediately after the passage of this act, by and with the advice and consent of the Senate, appoint a District Attorney for said district, who shall hold his office until the next general election, and until his successor is elected and qualified.

Sec. 2. The District Attorney for said district shall perform all the duties required of that officer by law: Provided, that it shall be the duty of the County Attorneys of the counties composing said district to attend the terms of county and other inferior courts of their respective counties, and to represent the State in all criminal cases under prosecution or examination in such courts, and also to attend the terms of the District Court in their respective counties, and to represent the State therein during the absence of the District Attorney, and to aid the District Attorney when so requested by him. When representing the State alone the County Attorney shall be entitled to receive the fees allowed by law to the District Attorney, and when, at the request of the District Attorney, he shall aid him in the prosecution of any case, he shall receive one-half of the fee allowed by law, and the District Attorney the remainder.

Sec. 3. The fact that the courts of the Sixth Judicial District are now in session for the trial of persons accused of felony, and that public policy demands that the State shall have additional aid in their prosecution, creates an imperative public necessity justifying the suspension of the rule requiring this bill to be read on three several days, and the same is suspended; and said fact also creates an emergency which requires that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the Senate, and passed the same by a vote of 27 yeas, no nays; and passed the House by a vote of 75 yeas, 3 nays.]

Approved, March 4, 1887.

## EDWARDS COUNTY.

Sec.

1. Declares the western boundary of Edwards County.
2. Surveyors of Edwards and Val Verde to survey the same.

Sec.

3. Commissioner of the General Land Office to notify the surveyors, etc.
4. Compensation for surveyors.
5. Repealing clause.

CHAP. 17.—[H. B. No. 88.] An Act to establish the western boundary of Edwards County.

Section 1. Be it enacted by the Legislature of the State of Texas: That the western boundary of Edwards County is hereby established as follows: Commencing at the southwest corner of Edwards County; running thence

west to a point intersecting the east line with Val Verde County; thence north on a line with Val Verde County to a point directly west of the north line of Edwards County; thence east to the intersection of the northwest corner of Edwards and Crockett Counties, embracing all that strip of Crockett County left between the county of Edwards and the county of Val Verde, which hereafter shall be included in and comprise the county of Edwards.

Sec. 2. That it shall be the duty of the county surveyors of the counties of Edwards and Val Verde jointly in their official capacity to establish the western boundary of Edwards as designated, and to plot and map out and so permanently establish such boundaries as will be satisfactory to the Commissioner of the General Land Office, under whose authority this work shall be performed, and who upon completion shall notify the judge of the county court of Edwards County.

Sec. 3. That it shall be the duty of the Commissioner of the General Land Office, within thirty days after the passage of this act, and when it shall have become a law, to notify the surveyors of the counties designated to proceed with the work of surveying, locating, and permanently establishing the boundary herein described, by permanent corners, and mapping the same and filing a copy of the maps and other evidences in the General Land Office.

Sec. 4. That the compensation of the surveyors engaged in this work shall be three dollars per mile each, which expense shall be paid by Edwards County.

Sec. 5. That all laws and parts of laws conflicting with the provisions herein contained shall be and the same are hereby repealed.

Approved, March 4, 1887.

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#### INTIMIDATION.

Sec. 1. Punishment for preventing another from engaging in a lawful employment.

CHAP. 18.—[S. B. No. 51.] An Act to make it penal to prevent or attempt to prevent any person from engaging or remaining in or performing the duties of any lawful employment, and to fix a penalty therefor.

Section 1. Be it enacted by the Legislature of the State of Texas: That any person who shall, by threatening words, or by acts of violence or intimidation, prevent or attempt to prevent another from engaging or remaining in or from performing the duties of any lawful employment, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five nor more than five hundred dollars, or by confinement not less than one nor more than six months in the county jail.

Approved, March 8, 1887.

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#### ABUSIVE LANGUAGE.

Sec. 1. Prescribes punishment for cursing or abusing another or a female relative.

CHAP. 19.—[S. B. No. 15.] An Act to make it penal to use language or be guilty of conduct reasonably calculated to provoke a breach of the peace, and to prescribe the punishment therefor.

Section 1. Be it enacted by the Legislature of the State of Texas: That if any person shall, in the presence or hearing of another, curse or abuse such person, or use any violently abusive language to such person concerning him or any of his female relatives, under circumstances reasonably calcu-

lated to provoke a breach of the peace, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than five nor more than one hundred dollars.

Approved, March 8, 1887.

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#### HOMICIDE.

Sec. 1. Body of deceased or portions thereof must be identified as the person charged to have been killed.

CHAP. 20.—[S. B. No. 16.] An Act to amend Article 549, Chapter 10, Title 15, of the Penal Code of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 549, Chapter 10, Title 15, of the Penal Code of the State of Texas, be amended so as to hereafter read as follows:

Article 549. No person shall be convicted of any grade of homicide unless the body of the deceased, or portions of it, are found and sufficiently identified to establish the fact of the death of the person charged to have been killed.

Approved, March 8, 1887.

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#### CONVERSION OF PROPERTY.

Sec. 1. Constitutes conversion of property by bailee theft.

CHAP. 21.—[S. B. No. 14.] An Act to define and punish the conversion of personal property by hirers, borrowers, and other bailees.

Section 1. Be it enacted by the Legislature of the State of Texas: That any person having possession of personal property of another by virtue of a contract of hiring or borrowing, or other bailment, who shall, without the consent of the owner, fraudulently convert such property to his own use with intent to deprive the owner of the value of the same, shall be guilty of theft, and shall be punished as prescribed in the Penal Code for theft of like property.

Approved, March 8, 1887.

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#### MALICIOUS MISCHIEF.

Sec. 1. Obstructing railway track, displacing switch, etc.

CHAP. 22.—[S. B. No. 73.] An Act to amend Article 678, Chapter 3, Title 17, of the Penal Code of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 678, Chapter 3, Title 17, of the Penal Code of the State of Texas, be so amended as to hereafter read as follows:

Article 678. If any person shall wilfully place any obstruction upon the track o. any railroad, or remove any rail therefrom, or displace or interfere with any switch thereof, or in any way injure such road, or shall do any damage to any railroad, locomotive, tender, or car, whereby the life of any person might be endangered, he shall be punished by imprisonment in the penitentiary not less than two nor more than seven years. If the life of any person be lost by such unlawful act, the offender is guilty of murder.

Approved, March 8, 1887.

RELIEF OF CITIZENS OF SABINE PASS CITY.

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| <p><b>Sec.</b><br/> <b>1.</b> Certain inhabitants of Jefferson County released from taxes.</p> | <p><b>Sec.</b><br/> <b>2.</b> Comptroller and Commissioners Court to credit Tax Collector by amounts released.<br/> <b>3.</b> Emergency clause.</p> |
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**CHAP. 23.**—[H. B. No. 383.] An Act to release certain inhabitants of Sabine Pass City, county of Jefferson, from the payment of taxes assessed and now due for the year A. D. 1886, in consequence of a great public calamity.

Whereas, on the night of 12th day of October, A. D. 1886, there occurred in the town of Sabine Pass City, situated in Jefferson County, State of Texas, a great public calamity, same being a most terrific, terrible and destructive cyclone and flood from the Gulf, such as has never occurred before within the memory of the oldest inhabitant. Within the compass of a few moments the houses and the house furniture of all those mentioned in this act were crushed and swept away. Eighty-six persons were drowned immediately, and a great many seriously wounded or maimed, and the balance barely escaped with their lives. Stock and poultry were destroyed, and, in fact, the town was left a crushed ruin, and the inhabitants since the time of the cyclone and flood, have chiefly lived upon the bounty of the more fortunate and the charity of the country. Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas: That the following named inhabitants of said portion of said county, to-wit, of the town of Sabine Pass City, the same being great sufferers from the cyclone and flood, be and they are hereby released from the payment of the several sums named, the same being the amount of State and county taxes assessed against them and now due for the year A. D. 1886, to-wit:

Estate of William Allen.....	\$1 40	William Hadnot.....	\$3 93
W. P. Allen.....	5 33	E. V. Hemenway.....	7 31
J. H. Asmeyer.....	14 85	William Harris & Son.....	22 60
Peter Anderson.....	2 55	F. A. Hyatt.....	27 09
Estate of William Allison.....	25 97	G. W. Hawley.....	11 28
Estate of Perry Bauyer.....	84	John Johnson.....	9 48
Charles Bauyer.....	2 53	Bradley Johnson.....	32 42
Masie Brouard.....	195 10	Ike Johnson.....	6 95
Mrs. C. Burch.....	1 75	Uriah Johnson.....	16 00
W. C. Baird.....	20 89	Joe Johnson (col).....	2 02
Sam Blackman.....	1 40	Press Johnson.....	2 83
S. Blanchett.....	12 94	B. J. Johnson.....	11 07
S. J. Burch.....	2 20	Joe Johnson.....	9 16
J. M. Chastin.....	3 39	Henry Johnnegan.....	2 46
Milton Clark.....	1 05	George Jolly.....	8 99
Richard Corry.....	3 65	W. A. Junker.....	49 50
Charles Crassman.....	14 00	Albert Jones.....	2 55
Joe Caniff.....	4 65	Mrs. M. Johnson.....	1 78
John Caniff.....	3 82	T. R. Jackson.....	20 93
Thomas Caniff.....	5 35	Karl Kapas.....	3 50
Hal Grifon.....	3 32	J. M. Ketcham.....	6 44
Charles Gentz.....	7 73	William O. Kendall.....	12 21
Milton Garner.....	4 61	Mrs. Sarah King.....	11 79
J. H. Garner.....	19 73	W. H. King.....	4 90
Brad Garner.....	7 00	Omar Lamar.....	5 38
Ben Granger.....	5 00	William Lapham.....	3 60
Mrs. L. Grifon.....	4 90	B. F. McDonough.....	70
J. J. T. Gilliland.....	30 65	D. E. McCall.....	6 05

John McCall.....	\$8 08	S. N. Page.....	\$4 80
W. F. McClanahan.....	21 24	A. N. Perkins.....	10 57
Joe Masty, Sr.....	8 24	Charles Maas.....	2 16
Mrs. A. D. Murray.....	4 80	R. B. Pace.....	2 15
Gus Higby.....	5 19	W. E. Rogers.....	7 14
H. C. Maas.....	1 85	John Stewart.....	3 78
Mrs. A. E. McCall.....	27 13	Aron Scherffius.....	8 50
Estate of William Maas.....	49 82	N. H. Smith.....	3 50
J. H. McCall.....	6 71	T. J. Sturdevant.....	3 60
F. C. McReynolds.....	39 16	Mrs. E. P. Sweet.....	7 10
R. A. McReynolds.....	5 70	Josh Smith.....	6 48
McReynolds & Arledge.....	12 25	W. P. Townsend.....	3 32
Neal McGaffy.....	39 01	Mrs. S. Vondy.....	2 32
John Orr.....	8 50	R. L. Wood.....	4 48
Mrs. G. W. Pain.....	5 46	Louis Williams.....	2 87
W. H. Plummer.....	4 30	Henri Walkaster.....	3 08
G. W. Pain.....	4 30	E. E. Weaver.....	6 69
Mrs. Mary Porter.....	8 40	Mary Whiting.....	3 46
Mrs. E. Pomeroy.....	1 40		

And that the several sums of taxes against the persons respectively be and the same are hereby remitted.

Sec. 2. That the Comptroller of Public Accounts of this State, and the county treasurer and the county commissioners court of Jefferson County, be and they are hereby authorized and required to credit the tax collector of Jefferson County with the several sums herein and hereby released, the said Comptroller to credit him with the several amounts of State tax, and said treasurer and county commissioners court to credit him with the several amounts of county tax in his settlement with him for taxes collected by him for the year 1886, by deducting the same from the aggregate of the tax lists now in his hands for collection for the said year; and said tax collector be and he is hereby relieved from collecting said several sums, or any part thereof, from the said several persons hereby relieved; and if the said tax or any part of the same shall have been collected by the said collector of taxes of Jefferson County, then and in that case the said collector is hereby required to refund such amounts of the said tax to persons having paid the same.

Sec. 3. An imperative necessity and emergency exists which requires the immediate passage and taking effect of this act, as the tax collector is required by law to collect said several sums of taxes by seizure and levy from said persons if the same be not paid by the first of March, 1887, and the several inhabitants may not in consequence thereof be benefited by this act, as intended, and which creates an imperative public necessity of the suspension of the constitutional rule which requires that all bills be read on three several days; said rule is therefore suspended; and an emergency exists that this act should take effect from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 81 yeas, 1 nay; and passed the Senate by a vote of 27 yeas, no nays.]

Approved, March 8, 1887.

· STATEMENT OF FACTS.

Sec. 1. How filed after time prescribed in Arts. 1377, 1378, and 1379, of Revised Statutes.

CHAP. 24.—[S. B. No. 40.] An Act to amend Chapter 18 of the Revised Civil Statutes of the State of Texas, providing for statement of facts in certain events, by adding thereto Article 1379a.

Section 1. Be it enacted by the Legislature of the State of Texas: That Chapter 18 of the Revised Civil Statutes of the State of Texas be and the same is hereby amended by adding thereto an article to be known as Article 1379a, to read as follows:

Article 1379a. Whenever a statement of facts shall have been filed after the times respectively prescribed in the preceding Articles 1377, 1378, and 1379 of this chapter, and the party tendering or filing the same shall show to the satisfaction of the Supreme Court or Court of Appeals that he has used due diligence to obtain the approval and signature of the judge thereto, and to file the same within the time in this chapter prescribed for filing the same, and that his failure to file the same within said time is not due to the fault or laches of said party or his attorney, and that such failure was the result of causes beyond his control, the Supreme Court or Court of Appeals shall permit said statement of facts to remain as part of the record, and consider the same in the hearing and adjudication of said cause the same as if said statement of facts had been filed in time.

Approved, March 8, 1887.

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RAILROADS—LABORER'S LIEN.

Sec. 1. Provides for prior liens to secure wages of laborers, etc., on railroads.

CHAP. 25.—[H. B. No. 16.] An Act to amend Section 1 of an act entitled An Act to protect mechanics, laborers, and operatives on railroads, against the failure of owners, contractors and sub-contractors or agents to pay their wages when due, and provide a lien for such wages, approved February 18th, 1879.

Section 1. Be it enacted by the Legislature of the State of Texas: That Section 1 of an act entitled "An Act to protect mechanics, laborers, and operatives on railroads, against the failure of owners, contractors and sub-contractors or agents to pay their wages when due, and provide a lien for such wages," approved February 18, 1879, be so amended to read hereafter as follows:

Section 1. That all mechanics, laborers, and operatives, who may have performed labor, or worker with tools, teams, or otherwise, in the construction, operation, or repair of any railroad, locomotive, car, or other equipment of a railroad, and to whom wages are due or owing for such work, or for the work of tools or teams thus employed, or for work otherwise performed, shall hereafter have a lien prior to all others upon such railroad and its equipment for the amount due him for personal services, or for the use of tools or teams.

Approved, March 10, 1887.

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ESTATES OF DECEDENTS.

Sec. 1. Estates of decedents chargeable on joint as upon joint and several obligations.

CHAP. 26.—[S. H. B. No. 32.] An Act to provide for the charging of the estate of a deceased person by virtue of the joint obligation of such deceased person with another.

Section 1. Be it enacted by the Legislature of the State of Texas: That when two or more persons are jointly bound for the payment of a debt or

for any other purpose, upon the death of either of said persons so bound his estate may be charged by virtue of such obligation in the same manner as if the obligors had been bound severally as well as jointly.

Approved, March 10, 1887.

### TAX SALES.

Sec. 1. Extends time for twelve months in which owners may redeem lands bought by State for taxes.

CHAP. 27.—[S. H. B. No. 24.] An Act to extend the time within which lands that have been sold for taxes and bought in by the State may be redeemed.

Section 1. Be it enacted by the Legislature of the State of Texas: That all lands which have been sold for taxes and bought in by the State, the time for redeeming which has expired, and which have not been redeemed, and which have not since been alienated by the State, may be redeemed by the owner thereof, or their agents, if within twelve months from the date on which this act takes effect said owners or their agents shall pay to the State the original State and county taxes for which said lands were sold, and the taxes due for each year since said sale, with eight per cent interest thereon per annum from the date of such sale, or from the date of the accrual of such subsequent taxes, as the case may be, and all taxes and costs which have accrued thereon, under such rules and regulations as shall be prescribed by the Comptroller of the State.

Sec. 2. Whereas, there are persons whose lands have been sold, and who are anxious to redeem the same, an emergency exists and an imperative public necessity demands that this act take effect from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 87 yeas, no nays; and passed the Senate by a vote of 26 yeas, 1 nay.]

Approved, March 10, 1887.

### APPROPRIATIONS—DEFICIENCY.

Sec.

1. \$266,459.90 appropriated, to be applied to enumerated claims.

Sec.

1. Emergency clause.

CHAP. 28.—[S. H. B. No. 295.] An Act making appropriations for deficiencies in the appropriations heretofore made for payment of expenses in support of the government from March 1, A. D. 1885, to February 28, A. D. 1887, being for payments of claims registered in the Comptroller's office, in accordance with law, and for outstanding claims not registered, and other deficiencies.

Section 1. Be it enacted by the Legislature of the State of Texas: That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated for deficiencies incurred in support of the State government for the period beginning March 1, A. D. 1885, and ending February 28, 1887, and for previous years:

For registered salaries District Attorneys.....	\$1,333 16	
For estimate salaries District Attorneys.....	3,902 14—	\$5,235 30
For registered special District Judges.....	2,281 02	
For estimate special District Judges.....	2,500 00—	4,781 02
For registered County Judges, Justices of the Peace, and Constables .....	554 30	
For estimate County Judges, Justices of the Peace, and Constables .....	2,245 00—	2,799 30

For registered Sheriffs, Clerks, Attorneys in felony cases..	\$42,697 20	
For estimate Sheriffs, Clerks, Attorneys in felony cases....	82,000 00—	\$124,697 20
For registered attached witnesses.....	64,503 11	
For estimate attached witnesses.....	25,500 00—	90,003 11
For registered account public domain (refund).....	32,329 00	
For estimate account public domain (refund).....	8,000 00—	40,329 00

The two items last above mentioned, aggregating \$40,329, shall be paid out of the funds to which the amounts were deposited.

For registered service in escheated land cases.....		7 85
For registered publication Court of Appeals Reports.....		4,439 00
For registered publication of Supreme Court Reports.....		2,650 50
For amount for City Water Company, of Austin, for fire protection, from February 21, 1883, to February 21, 1887, as per contract.....	400 00	
For amount to City Water Company, of Austin, for domestic use.....	331 16	
For amount to City Water Works, for work at the Lunatic Asylum.....	445 00	
For amount to City Water Works for work furnished State Cemetery.....	162 25—	1,338 41
To pay for services of volunteer guards and their officers, including brigade and regiment officers, and for transportation of troops to Laredo.....		821 50
To pay Dawson & Boyd for unconsumed liquor license by reason of local option.....		197 14
To pay S. B. Watts for unconsumed liquor license by reason of local option.....		126 66
To pay G. B. Maloney for unconsumed liquor license by reason of local option.....		177 46
To pay claims yet to be filed for unconsumed license taxes by reason of local option.....		500 00
For deficiencies for Court of Appeals, Galveston.....		262 30
For deficiencies for Court of Appeals, Austin.....		188 30
For amount due W. P. Lane, A. Deffenbaugh, and S. H. Darden, as members of the Texas Veteran Board.....		450 00
For gas for use of Temporary Capitol.....		251 60
For account of J. B. Smith for work done on Temporary Capitol .....		19 87

Sec. 2. The fact that there is no appropriation to pay the claims herein stated, which are outstanding against the State, creates an emergency and an imperative public necessity which justify the suspension of the constitutional rule requiring bills to be read on three several days, and that this act should go into effect from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 80 yeas, no nays; and passed the Senate by a vote of 25 yeas, 2 nays.]

Approved, March 10, 1887.



## SPECIAL VENIRE IN CAPITAL CASES.

## Sec. 1. Defines a "special venire."

CHAP. 29.—[S. B. No. 66.] An Act to amend Article 605, Chapter 2, Title 8, of the Code of Criminal Procedure for the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 605, Chapter 2, Title 8, of the Code of Criminal Procedure for the State of Texas, be so amended as to hereafter read as follows:

Article 605. A "special venire" is a writ issued by order of the District Court, in a capital case, commanding the sheriff to summon such a number of persons, not less than thirty-six, as the court in its discretion may order, to appear before the court on a day named in the writ, from whom the jury for the trial of such case is to be selected.

Approved, March 14, 1887.

## RAILROAD EMPLOYEES.

## Sec.

1. Railway employes entitled to thirty days notice of reduction in wages.

## Sec.

2. Form and manner of such notice.
3. Affixes a penalty for violating this act.

CHAP. 30.—[S. S. B. No. 50.] An Act to require railway companies to give their employes thirty days notice before reducing their wages, and to provide a remedy for the violation thereof.

Section 1. Be it enacted by the Legislature of the State of Texas: That all persons in the employment of any railway company shall be entitled to receive thirty days notice from said company before their wages can be reduced by such company, and in all cases of reduction the employe shall be entitled to receive from such company wages at his contract price for the full term of thirty days after such notice is given, to be recovered in any court of competent jurisdiction.

Sec. 2. The notice referred to in this act is declared to mean thirty full days immediately prior to the day upon which such reduction is to take effect, and may be given by posting written or printed handbills, specifying the parties whose wages are to be reduced and the amount of such reduction, in at least three conspicuous places in or about each shop, section house, station, depot, train, or other places where said employes are at work: Provided, Such employe shall within fifteen days from the date of such notice inform such railway company, by posting like notices as given by such railway company, whether he will or will not accept such reduction, and if no such information is given such company by such employe, then such employe shall forfeit his right to such notice, and such reduction shall take effect from the date of such notice instead of at the expiration of the thirty days.

Sec. 3. Any railway company violating or evading any of the provisions of this act shall pay to each employe affected thereby one month's extra wages, to be recovered by such employe in any court of competent jurisdiction.

Approved, March 14, 1887.

ELECTIONS.

Sec.

1. Prescribes duties of presiding officer, judges, etc., in election precincts having more than 100 voters.
2. Provides for two ballot-boxes—Manner of conducting election and counting votes—Election returns.

Sec.

3. Compensation for election officers.
4. Repealing section.

CHAP. 31.—[H. B. No. 125.] An Act to provide for a more speedy counting of the vote at special and general elections, and to pay the judges and clerks for the same.

Section 1. Be it enacted by the Legislature of the State of Texas: That the presiding officer of each election precinct which shall have cast more than one hundred votes at the last preceding election shall, on or before the day of election, select from among the qualified voters of the precinct three judges and four clerks, to be made from the different political parties if demanded, as far as practicable, and there be present a sufficient number of the party making such demand who are willing and competent to serve in such position. That said presiding judge, before balloting begins, shall designate two of said judges to be counting judges, and such presiding judge and said remaining judge shall be the receiving judges of election, and said presiding judge shall designate two of said clerks to be receiving clerks and two of said clerks to be canvassing clerks of said election. The said receiving clerks shall keep the poll lists and the said canvassing clerks shall keep the tally lists now provided for by law.

Sec. 2. That there shall be provided by the presiding judge two ballot boxes, one of which shall be numbered No. 1 and the other No. 2. Before the balloting begins said judge shall open and examine said boxes, and remove everything therefrom. One of said receiving judges shall receive the ballots of each voter, and after pronouncing the name of such voter in an audible voice shall pass the ballot to the other receiving judge, who shall number the same and deposit it in said ballot box No. 1, which shall be kept securely closed while the balloting continues for one hour from the time of opening the polls. At the expiration of said hour the receiving judges shall deliver said ballot box No. 1 to the counting judges, who shall immediately deliver over to said receiving judges ballot box No. 2, which ballot box No. 2 shall be opened and examined in the presence of all the judges, and when everything is removed therefrom shall be securely closed, and until the ballots in box No. 1 have been counted said receiving judges shall receive and deposit ballots therein in the same manner as during the first hour ballots were received and deposited in ballot box No. After the delivery of ballot box No. 1 to the counting judges the same shall be immediately opened by them and the tickets shall be taken out one at a time by one of the counting judges, who shall read distinctly while the ticket remains in his hand the name or names written or printed thereon, also the office that is intended to be filled by such person voted for, and deliver the same to the other counting judge, who shall place the same in another box and keep securely until the counting is finished, and then said box with all the ballots cast at said election shall be returned to the county clerk as provided for by law. The same method shall be observed with each ticket, and the counting shall continue thus until all the ballots in the box are counted. And then the counting judges shall securely close ballot box No. 1, and deliver the same to the receiving judges, and receive from the receiving judges ballot box No. 2, and so on in the same manner until the polls are closed and all the ballots are counted. No person or persons shall be admitted in the room or place where such ballots are being counted except the judges and clerks of election: Provided, That any political party may select

a representative man, who may be admitted as a witness of such counting. It shall be the duty of one of the judges to announce to the voters present the total number of votes polled at each change of the boxes; but the judges, clerks and witnesses shall make oath that they will make no statement nor give any information of any kind as to the number of votes polled for any office or person, nor the name of any person voted for, nor any other fact touching in any way to show the state of the polls at any time previous to the closing of the polls of said election on the day of the same. When any person offering to vote shall be objected to, the manager of the election, with the two first named judges on the list of judges, shall examine the person offering to vote upon oath touching the points of such objection, and if such person fail to establish his qualification to vote to the satisfaction of a majority of the managers of the election, his vote shall be rejected; if his vote be received the word sworn shall be written by the clerks upon the list opposite the name of such voter.

Sec. 3. The presiding officer, judges, and clerks shall be entitled to receive as compensation for their services the sum of two dollars per day, the same to be paid by the county treasurer of the county where such services are rendered, upon the order of the commissioners court of such county: Provided, Twelve working hours shall be considered a day within the meaning of this section. One of the judges shall deliver the returns to the county clerks immediately, and receive two dollars for delivery of the returns, if delivered within two days: Provided, Said judge shall not receive the two dollars for delivering the returns if he shall have to travel less than five miles in so doing.

Sec. 4. That all laws and parts of laws in conflict with the provisions of this act be and they are hereby repealed.

Approved, March 14, 1887.

#### COUNTY COURT OF BOSQUE COUNTY.

Sec.

1. Restores the civil jurisdiction to County Court of Bosque County.
2. Provides for transfers of certain cases now pending in the district court to county court.

Sec.

3. Provides for transfer of all papers with transcript of orders, and for fees of the clerk.
4. Repealing clause.

CHAP. 32.—[H. B. No. 115.] An Act to restore the civil jurisdiction to the County Court of Bosque County, and to repeal all laws in conflict therewith.

Section 1. Be it enacted by the Legislature of the State of Texas: That the County Court of Bosque County shall have exclusive original jurisdiction in all civil cases when the matter in controversy shall exceed in value two hundred dollars and not exceed five hundred dollars exclusive of interest, and concurrent jurisdiction with the District Court when the matter in controversy shall exceed five hundred and not exceed one thousand dollars exclusive of interest, but shall not have jurisdiction of suits for the recovery of land. It shall have appellate jurisdiction in civil cases of which justices courts have original jurisdiction, under such regulations as are now or may hereafter be prescribed by law. In all appeals from justices courts there shall be a trial de novo in the County Court, and an appeal shall lie to the Court of Appeals under such regulations as are now or may be prescribed by law. The County Court shall have the general jurisdiction of a probate court. It shall probate wills; appoint guardians of minors, idiots, lunatics, persons non compos mentis, and common drunkards; grant letters testamentary and of administration; settle accounts of executors, administrators, and guardians; transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis,

and common drunkards, including the settlement, partition, and distribution of estates of deceased persons, and to apprentice minors as provided by law. And the County Court or judge thereof shall have power to issue writs of mandamus, injunction, and all other writs necessary to the enforcement of the jurisdiction of said court; and to issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of the county court or any other court or tribunal inferior to said court.

Sec. 2. That all causes now pending in the District Court of Bosque County of which the County Court of said county has jurisdiction under the provisions of this act, and all laws giving jurisdiction to the county court, shall be transferred to the County Court of said county.

Sec. 3. The clerk of the District Court of Bosque County, thirty days from the date this act takes effect, shall transfer to the clerk of the County Court of said county all the original papers in causes transferred under this act, together with a certified transcript of all entries made on the docket of the district court in such causes, and a certified bill of all cost accrued in such causes; and for making out such transcript of the docket the clerk of the district court shall be allowed such fees as are now allowed by law for making out transcripts in cases of appeal, such fees to be taxed as cost in such suits.

Sec. 4. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved, March 15, 1887.

## SECOND AND FOURTH JUDICIAL DISTRICTS.

Sec.

1. Amends Secs. 2 and 4, Act April 9, 1883, as amended by Act March 31, 1885, concerning the Second and Fourth Judicial Districts—When term of district court shall commence in said districts.

Sec.

2. Return of process heretofore issued in counties affected by this act.  
3. Repealing section.  
4. Emergency clause.

CHAP. 33.—[S. H. B. No. 375.] An Act to amend Section 2 of An Act to redistrict the State into judicial districts, and to fix the time for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved on the ninth day of April, 1883; and also to amend Section 4 of an act to amend Section 4 of an act entitled An Act to redistrict the State into judicial districts and to fix the time for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved March 31st, 1885.

Section 1. Be it enacted by the Legislature of the State of Texas: That Section 2, of An Act to redistrict the State into judicial districts, and to fix the time for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved on the 9th of April, 1883; and also that Section 4 of an act to amend Section 4 of an act entitled An Act to redistrict the State into judicial districts, and fix the time for holding courts therein, and to provide for the election of judges and district attorneys in said district at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved March 31, 1885, be so amended as to hereafter read as follows:

Section 2. That the Second Judicial District shall be composed of the counties of Sabine, San Augustine, Nacogdoches, Shelby, and Cherokee, and the District Courts shall be held therein as follows: In the county of Sabine on the first Mondays in February and September, and may continue in session two weeks. In the county of San Augustine on the second Mondays after the first Mondays in February and September, and may continue in session three weeks. In the county of Nacogdoches on the fifth Mon-

days after the first Mondays in February and September, and may continue in session four weeks. In the county of Shelby on the ninth Mondays after the first Mondays in February and September, and may continue in session three weeks. In the county of Cherokee on the twelfth Mondays after the first Mondays in February and September, and may continue in session till the business is disposed of.

Section 4. The Fourth Judicial District shall be composed of the counties of Rusk, Harrison, and Panola, and the District Courts shall be held therein as follows: In the county of Rusk on the first Mondays in January and July, and may continue in session six weeks. In the county of Harrison on the sixth Mondays after the first Mondays in January and July, and may continue in session eight weeks. In the county of Panola on the fourteenth Mondays after the first Mondays in January and July, and may continue in session till the business is disposed of.

Sec. 2. That all writs and process returnable to the district courts as heretofore fixed in the counties affected by this act, and all such writs and process that may hereafter be issued before this act shall take effect, and made returnable to the terms of said district courts as now fixed by law, shall be as valid and binding as if no change had been made.

Sec. 3. That all laws and parts of laws in conflict with this act-are hereby repealed.

Sec. 4. That the near approach of the close of the session and the great press of business rendering it improbable that this bill will be reached in its regular order, and the importance of this bill, create an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and such rule is hereby suspended.

Approved, March 15, 1887.

#### PROTECTION OF FISH.

##### Sec. 1. Taking fish by poison or explosives.

CHAP. 34.—[H. B. No. 74.] An Act to amend Article 425 of the Penal Code of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 425 of the Penal Code of the State of Texas be so amended as to hereafter read as follows:

Article 425. Whoever shall catch or take, or attempt to catch or take, any fish in this State, by the use of lime, China berries, India berries, or other poisonous substances placed in the water, or by the exploding of dynamite, giant powder, nitro-glycerine or other compounds of an explosive nature in the form of a cartridge or other forms, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than fifty nor more than one hundred and fifty dollars. And any court, officer, or tribunal having jurisdiction of the offense set forth in this article, or any district or county attorney, may subpoena persons and compel their attendance as witnesses to testify as to violations of any of the provisions of this article; and any person so summoned and examined shall not be liable to prosecution for any of the violations of this article about which he may testify, and a conviction for said offense may be had upon the unsupported evidence of an accomplice or participant.

Approved, March 15, 1887.

**DISTRICT ATTORNEY IN THE EIGHTEENTH JUDICIAL DISTRICT.**

Sec. 1. Provides for election of, in Eighteenth Judicial District.

**CHAP. 35.**—[H. B. No. 34.] An Act to provide for the election of a District Attorney in the Eighteenth Judicial District of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That a District Attorney be elected in the Eighteenth Judicial District in this State at the next general election, and at each general election thereafter, who shall receive for his services such compensation as is provided by law for other District Attorneys.

Approved, March 15, 1887.

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**CHAPLAINS OF PENITENTIARIES.**

Sec. 1. Prescribes salary of chaplains.

**CHAP. 36.**—[H. B. No. 82.] An Act to amend Article 4480 of the Revised Civil Statutes of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 4480 of the Revised Civil Statutes be so amended as hereafter to read as follows:

Article 4480. The chaplains of the penitentiaries shall each receive an annual salary of six hundred dollars, and no more.

Approved, March 15, 1887.

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**CREATING MILLS COUNTY.**

Sec.

1. Declares the boundaries of Mills County.

2. Expenses of organization thereof.

3. For division of this county into precincts, etc.

4. Elections, how ordered, etc.

Sec.

5. Election, how conducted—Returns, etc.

6. This county attached to 27th Judicial, 23d Senatorial, 77th Representative, and 11th Congressional Districts.

**CHAP. 37.**—[H. S. S. B. No. 85.] An Act to establish and organize the county of Mills.

Section 1. Be it enacted by the Legislature of the State of Texas: That a new county, to be called the county of Mills, in honor of John T. Mills, judge of the third and seventh judicial districts in the days of the Republic of Texas, be and the same is hereby established, with boundary lines as follows: Containing a superficial area of seven hundred square miles, taken from the territory of the existing counties of Lampasas, Hamilton, Brown, and Comanche, as follows: Beginning at the S. E. corner of Richard Blevins survey on Colorado River; thence in a direct line to the S. E. corner of Survey No. 1, Sulphur Fork Iron Works; thence northeasterly to the south line of E. Yarbo survey, 1550 vrs. west of the S. E. corner; thence N. 82° E. to a point 9½ miles N. 60° E. from the west line of Comanche County; thence S. 30° E. to a point ½ mile S. 30° E. from the south line of Hamilton County; thence S. 56° W. to Colorado River; thence up said river with its meanders to the beginning, containing seven hundred square miles.

Sec. 2. The said new county shall defray all expenses incurred in perfecting its organization, and shall also pay its pro rata of the liabilities of the four several counties from which territory is taken to constitute it, in proportion to the territory taken and the territory remaining to the old county.

Sec. 3. It shall be the duty of the county commissioners court of the county from which the greater proportion is taken to form the new county, within sixty days after this act takes effect, to lay off and divide the new county into convenient precincts, for the election of justices of the peace,

county commissioners, and constables, particularly defining the boundaries of such precincts, and also to designate convenient places in such new county where elections shall be held, of all which they shall cause record to be made by the clerk, and a copy thereof shall be transmitted to the county judge of such new county when elected.

Sec. 4. The county judge of Brown County, as soon as the new county has been divided into precincts and voting places, designated as hereinbefore provided, shall order an election in such new county for all county and precinct officers allowed or permitted by law to be elected, and for the location of the county seat of said new county, giving at least twenty days notice of the places and time of election, by printed handbills posted in one or more public places in each precinct in such new county. He shall appoint a presiding officer for each place designated in such new county for holding elections, and such order of election shall specify the number of precincts therein, boundaries, the officers to be elected, and that the county seat will also be voted for.

Sec. 5. The said election, when and as ordered, shall be conducted in accordance with and governed by the general laws on the subject of general elections, and the return of the election when closed shall be made to the county judge of Brown County, who shall cause to be filed and proceed therewith in all respects the same as in general elections, and issue evidences of the result of such election, as in other cases.

Sec. 6. The new county of Mills is hereby attached to the Twenty-seventh Judicial District, and court shall be held therein on the last Monday in March and September, and may continue in session one week; and the county of Mills is hereby attached to the Twenty-third Senatorial District, and to the Seventy-seventh Representative District, and to the Eleventh Congressional District.

Approved, March 15, 1887.

#### NEW COUNTIES CREATED OUT OF PRESIDIO COUNTY.

Sec.

1. Counties of Buchel, Foley and Jeff Davis created out of Presidio County—Prescribes boundaries of [a] Buchel, [b] Foley and [c] Jeff Davis.
2. Each of these counties to pay their pro rata share of legal debts of parent county.

Sec.

3. Counties of Buchel, Foley and Jeff Davis attached to Brewster County for judicial purposes, to the 28th Senatorial, 80th Representative, and 15th Congressional Districts.
4. Emergency clause.

CHAP. 38.—[H. B. No. 228.] An Act to create the counties of Buchel, Foley and Jeff Davis out of the county of Presidio.

Section 1. Be it enacted by the Legislature of the State of Texas: That three new counties, one to be called Buchel County, one to be called Foley County, and one to be called Jeff Davis County, are hereby created out of the county of Presidio.

[a] Buchel County is bounded as follows, to-wit: Beginning at the northeast corner of Brewster County on the Presidio and Pecos County line: thence south with the east line of Brewster County sixty miles; thence east to the Rio Grande River; thence down said river with its meanders to the Pecos County line; thence in a northwesterly direction along said Pecos County line to the place of beginning.

[b] Foley County is bounded as follows: Beginning at the southwest corner of Brewster County; thence east along the south line of said county thirty miles to the southeast corner of said Brewster County; thence north along the east boundary line of Brewster County about thirteen miles to the southwest corner of Buchel County; thence east along the south line of said Buchel County to the Rio Grande River; thence up the Rio Grande River

with its meanders to a point due south of the beginning; thence north to the place of beginning.

[c] Jeff Davis County is bounded as follows: Beginning at the northwest corner of Brewster County; thence in a westwardly direction to the southeast corner of El Paso County on the Rio Grande River; thence along the line of El Paso County northwardly to the corner of El Paso and Reeves Counties; thence south-eastwardly along the north boundary line of Presidio County to the northeast corner of Brewster County; thence southwestwardly along the north boundary line of Brewster County to the place of beginning.

Sec. 2. That each of said new counties shall pay a pro rata share of the legal debts of the county from which they are created, and there shall be set apart so much of the county taxes levied and collected upon the property situated in the portion taken from the county of Presidio, annually, as will be sufficient to speedily liquidate said existing debts, if any, and the said pro rata to be based upon the value of the property taken from the parent county for each year of the existence of the said debt, to be determined from the tax rolls of the said county as made by the board of equalization.

Sec. 3. That the said counties of Buchel, Foley, and Jeff Davis be attached to Brewster County for judicial purposes, and to the Twenty-eighth Senatorial and the Eightieth Representative Districts, and to the Eleventh Congressional District, for the purpose of representation.

Sec. 4. And whereas the isolated condition of the people of the proposed new counties amounts to a practical denial of justice, creating an emergency and imperative public necessity which requires that the constitutional rule that bills be read on three several days be suspended and that this act take effect from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 78 yeas, 10 nays; and passed the Senate by a vote of 25 yeas, 1 nay.]

Approved, March 15, 1887.

#### DEPOSITIONS OF WITNESSES.

Sec. 1. Depositions, service of notice of intention to take.

CHAP. 39.—[S. B. No. 155.] An Act to amend Article 2219, of Chapter 2, Title 38, of the Revised Civil Statutes of the State of Texas, on the subject of taking depositions of witnesses in civil cases.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 2219, of Chapter 2, Title 38, of the Revised Civil Statutes of the State of Texas, be so amended as to hereafter read as follows:

Article 2219. The party wishing to take the deposition of a witness in a suit pending in court shall file with the clerk or justice of the peace, as the case may be, a notice of this intention to apply for a commission to take the answers of the witness to interrogatories attached to such notice. The notice shall state the name and residence of the witness, or the place where he is to be found, and the suit in which the deposition is to be used, and a copy thereof, and of the attached interrogatories, shall be served upon the adverse party, or his attorney of record, five days before the issuance of a commission; and whenever the adverse party is a corporation, or joint stock association, service may be made upon the president, secretary, or treasurer of such corporation or association, or upon the local agent representing such corporation or association in the county in which the suit is pending, or by leaving a copy of the notice and attached interrogatories at the principal office of such corporation or association during office hours.

Approved, March 15, 1887.



## ARANSAS COUNTY.

Sec.

1. Defining county boundary.

Sec.

2. Emergency clause.

CHAP. 40.—[H. B. 451.] An Act to amend Article 711 of the Revised Statutes, defining the boundaries of Aransas County.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 711 of the Revised Statutes be so amended as to hereafter read as follows:

Article 711. Beginning at the boundary of the State on the Gulf of Mexico opposite the center of the channel of Aransas Pass, between the islands of St. Joseph and Mustang; thence in a direct line to the John Robinson survey at the head of Red Fish Bay; thence with the meanders of Corpus Christi and Nueces Bays to the southeast corner of the John N. Seguin Survey No. 4, which fronts on Nueces Bay; thence with the east line of said Survey No. 4 to the southeast corner of Survey No. 5 in the name of John N. Seguin; and thence in the same direction with the east line of said Survey No. 5 to the northeast corner thereof; thence in a direct line to the southeast corner of the Larkin Martin survey; thence with the meanders of Puerto and Copano Bays to the center of Aransas River; thence down the center of said stream to Copano Bay; thence with the channel of said bay parallel with the shore to the east end of the same at the mouth of Copano Creek; thence up said creek to the mouth of Alamito Creek; thence in a direct line to the southeast corner of J. C. Salberg's survey on Espiritu Santo Bay; thence in a direct line to Cedar Bayou; thence through said bayou to the boundary of the State on the Gulf of Mexico; thence with said boundary of the State to the place of beginning.

Sec. 2. The fact that as the lines bounding said Aransas County now run, a considerable portion of territory contiguous to said county is left without any county lines whatever, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Sec. 3. All laws and parts of laws in conflict with this act are hereby repealed.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 78 yeas, no nays; and passed the Senate by a vote of 26 yeas, no nays.]

Approved, March 17, 1887.

## LIMITATIONS.

Sec. 1. Limitation not to run against State, nor favor adverse holder of street, road, etc.

CHAP. 41.—[S. B. No. 4.] An Act to amend Article 3200 of the Revised Civil Statutes of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 3200 of the above recited act shall hereafter read as follows.

Article 3200. The right of the State shall not be barred by any of the provisions of this chapter, nor shall any person ever acquire, by occupancy or adverse possession, any right or title to any part or portion of any road, street, sidewalk or grounds which belong to any town, city or county, or which have been donated or dedicated for public use to any such town, city

or county by the owner thereof, or which have been laid out or dedicated in any manner to public use in any town, city or county in this State; Provided, This act shall not apply to any alley laid out across any block or square in any city or town.

Approved, March 17, 1887.

# PAYMENT OF BONDS.

Sec.

1. County commissioners court or mayor and board of aldermen of any city or town authorized to regulate the rate of taxation.

Sec.

2. Levy of tax—Duty of officer making assessment—Fees of collector.  
3. Emergency clause.

CHAP. 42.—[S. B. No. 129.] An Act to authorize counties, cities, and towns in this State which have issued bonds to aid in the construction of railroads and other internal improvements, to adjust their rate of taxation so as to provide for the payment of the interest and sinking fund upon the same.

Whereas, in some of the counties, cities, and towns of this State there is an existing bonded indebtedness against the same, necessitating the collection of taxes to pay interest and sinking fund both due and to become due, and necessitating the collection from the people thereof taxes that are past due; and,

Whereas, in some of those counties, cities, and towns, by reason of the increased value of the property and the reduction of the debt by the payment of the sinking fund, the rate of taxation has become disproportionate to the amount to be paid, requiring a larger amount to be collected from the people annually than is necessary for the payment of the interest and sinking fund aforesaid: Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas: That the county commissioners court of any county, or the mayor and board of aldermen or city council of any city or town, that have heretofore issued bonds to aid in the construction of railroads or other works of internal improvement, are hereby authorized and empowered to reduce the rate of taxation heretofore levied for the purpose of paying interest and sinking fund on such bonds, so as to raise the amount necessary to pay the said interest and sinking fund which may become due annually according to the terms of the said bonds; and any county, city, or town, by its said commissioners, or city council, or mayor and aldermen, may from time to time hereafter increase or diminish its rate of taxation according to the valuation of its taxable property, so as to raise the amount necessary for the payment of the said interest and sinking fund annually: Provided, That the taxes shall never be reduced below the rate that will raise the amount that is annually due upon such bonds.

Sec. 2. The levy of tax provided for in the preceding section shall be made upon the assessed value of the property of such county, city or town for the previous year, and shall remain in force from year to year until there has been a new levy, according to the provisions of this act. It shall be the duty of the officer who shall make the assessments annually for such county, city or town to make the levy of the taxes aforesaid upon the assessment of property made for general purposes, and to so return his rolls as to show the said tax due from each person the same as the other taxes are shown. No additional fees shall be allowed for said work. For collecting the said taxes the tax collector of such county, city or town shall receive one and one-half per cent upon the amount collected.

Sec. 3. The fact that the time for the collection of taxes is approaching, creates a public necessity that this act should be put in force at once, and

that the rule requiring that this bill should be read three several days should be suspended, and the said rules are so suspended, and that this act shall take effect from and after its passage.

[Note.—The foregoing act originated in the Senate, and passed the same by a vote of 27 yeas, no nays; and passed the House by a vote of 73 yeas, 2 nays.]

Approved, March 17, 1887.

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#### PARTITION FENCES.

Sec.

1. Rights of joint owners of dividing fences.

2. Withdrawal or removal without notice, and penalty therefor.

Sec.

3. Failure to remove after expiration of notice, penalty therefor.

CHAP. 43.—[S. S. B. No. 52.] An Act to provide for the separation or partition of adjoining fences, and to prescribe a penalty for a violation of the provisions of this act.

Section 1. Be it enacted by the Legislature of the State of Texas: That hereafter it shall be unlawful for any person who is a joint owner of any separating or dividing fence, or who is in any manner interested in any fence attached to or connected with any fence owned or controlled by any other persons, to remove the same except by mutual consent, or as hereinafter provided.

Sec. 2. Any person who is the owner or part owner of any fence connected with or adjoined to any fence owned in part or in whole by any other person, shall have the right to withdraw or separate his fence or part of fence from the fence of any other person or persons in this State: Provided, That such person who desires to withdraw or separate such fence from the fence of any other person shall give notice in writing to such person, his agent, attorney or lessee, of his intention to separate or withdraw his fence, or part thereof, for at least six months prior to the time of such intended withdrawal or separation. Any person failing to comply with the provisions of this section shall be fined in any sum not less than ten dollars nor more than fifty dollars, and every ten days shall constitute a separate offense for the violation of this act.

Sec. 3. That any person who shall wilfully continue to join his fence to that of another whose fence has been withdrawn under the provisions of this act, shall be fined not less than ten nor more than fifty dollars: Provided, That each ten days after such notice is complete shall constitute a separate offense for the violation of this act.

Approved, March 17, 1887.

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#### SEQUESTRATION.

Sec. 1. Re-enacts Art. 4489, Revised Statutes, and adds seventh clause, authorizing sequestration in suits of trespass to try title, etc., against non-residents of State.

CHAP. 44.—[S. B. No. 70.] An Act to amend Article 4489, Title 90, of the Revised Civil Statutes of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 4489, Title 90, of the Revised Civil Statutes of the State of Texas, be and the same hereby is so amended as to hereafter read as follows:

Article 4498. Judges and clerks of the district and county courts, and justices of the peace, shall, at the commencement or during the progress of any civil suit, before final judgment, have power to issue writs of sequestration, returnable to their respective courts, in the following cases:

First. When a married woman sues for divorce, and makes oath that she fears her husband will waste her separate property, or their common property, or the fruits or revenue produced by either, or that he will sell or otherwise dispose of the same so as to defraud her of her just rights, or remove the same out of the limits of the county during the pendency of the suit.

Second. When a person sues for the title or possession of any personal property of any description, and makes oath that he fears the defendant or person in possession thereof will injure, ill-treat, waste, or destroy such property, or remove the same out of the limits of the county during the pendency of the suit.

Third. When a person sues for the foreclosure of a mortgage or the enforcement of a lien upon personal property of any description, and makes oath that he fears the defendant or person in possession thereof will injure, ill-treat, waste, or destroy such property, or remove the same out of the county during the pendency of the suit.

Fourth. When any person sues for the title or possession of real property, and makes oath that he fears the defendant or person in possession thereof will make use of his possession to injure such property, or waste or convert to his own use the fruits or revenue produced by the same.

Fifth. When any person sues for the title or possession of any property from which he has been ejected by force or violence, and makes oath of such fact.

Sixth. When any person sues for the foreclosure of a mortgage or the enforcement of a lien on real estate, and makes oath that he fears the defendant or person in possession thereof will make use of such possession to injure such property, or waste or convert to his own use the timber, rents, fruits, or revenue thereof.

Seventh. When any person sues to try the title to any real property, or to remove cloud upon the title to any such real property, or to foreclose a lien upon any such real property, or for partition of real property, and makes oath that the defendant, or either of them in the event there be more than one defendant, is a non-resident of this State.

Approved, March 17, 1887.

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#### INQUEST UPON DEAD BODIES.

Sec. 1. Repeals Articles 992, 993, 994, 995, 996, and 1001, Chap. 1, Title 13, Code of Criminal Procedure—Amends Articles 988, 1002, 1006, 1008, and 1012, Chap. 1, Title 13, Code of Criminal Procedure, and Article 1000, Chap. 12, Title 13, C. P., as amended by 18th Legislature.

CHAP. 45.—[S. H. B. No. 116.] An Act to repeal Articles 992, 993, 994, 995, 996, and 1001, and to amend Articles 988, 1002, 1006, 1008, and 1012, of Chapter 1, Title 13, of the Code of Criminal Procedure, and Article 1000 of the Code of Criminal Procedure as amended by Chapter 12 of the General Laws of the Eighteenth Legislature of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Articles 992, 993, 994, 995, 996, and 1001, of Chapter 1, Title 13, of the Code of Criminal Procedure, be repealed; and that Articles 988, 1002, 1006, 1008, and 1012, of Chapter 1, Title 13, of the Code of Criminal Procedure, and Article 1000, of Chapter 1, Title 13, of the Code of Criminal Procedure, as amended by Chapter 12 of the General Laws of the Eighteenth Legislature of the State of Texas, approved February 16, 1883, be so amended as to hereafter read:

Article 988. Any justice of the peace shall be authorized, and it shall be his duty, to hold inquests within his county in the following cases: Pro-

vided, That all inquests shall be held by the justice of the peace without a jury:

1. When a person dies in prison.
2. When any person is killed, or from any cause dies an unnatural death, except under sentence of the law or in the absence of one or more good witnesses.
3. When the body of any human being is found and the circumstances of his death are unknown.
4. When the circumstances of the death of any person are such as to lead to suspicion that he has come to his death by unlawful means.

Article 1000. If any other persons than the justice, and the accused and his counsel, and counsel for the State, are present at the inquest, they shall not interfere with the proceedings, and no question shall be asked a witness except by the justice, the accused or his counsel, and the counsel for the State, and the justice of the peace may fine any person violating this article for contempt of court, not exceeding twenty dollars, and may cause such person to be placed in custody of a peace officer and removed from the presence of the inquest.

Article 1002. The justice of the peace shall keep a book in which he shall make a minute of all the proceedings relating to every inquest held by him. Such minute shall set forth:

1. The nature of the information given the justice of the peace and by whom given, unless he acts upon facts within his own knowledge.
2. The time and place, when and where, the inquest is held.
3. The name of the deceased if known, or if not known as accurate a description of him as can be given.
4. The finding by the justice at the inquest.
5. If any arrest is made of a suspected person before inquest held, the name of the person and the fact of his arrest, as well as everything material which relates thereto, shall be noted.

Article 1006. If it be found by the justice of the peace, upon evidence adduced at the inquest, that a person already arrested did in fact kill the deceased, or was an accomplice or accessory to the death, the justice may, according to the facts in the case, commit him to jail or require him to execute a bail bond with security for his appearance before the proper court to answer for the offense.

Article 1008. When by the evidence adduced before a justice of the peace holding an inquest, it is found that any person not in custody killed the deceased, or was an accomplice or accessory to the death, the justice shall forthwith issue his warrant of arrest to the sheriff or other peace officer commanding him to arrest the person accused, and bring him before such justice, or before some other magistrate named in the writ.

Article 1012. When an inquest has been held the justice before whom the same was held shall certify to the proceedings, and shall enclose in an envelope the testimony taken, the finding of the justice, the bail bonds if any, and all other papers connected with the inquest; and shall seal up such envelope and deliver it, properly indorsed, to the clerk of the district court without delay, who shall safely keep the same in his office subject to the order of the court.

Approved, March 17, 1887.

DISTRICT COURTS IN THE TWENTY-FIFTH JUDICIAL DISTRICT.

Sec.

1. Provides when the term of the district court shall commence, and what shall be length of said term, in the several counties of the 25th Judicial District.

Sec.

2. Repealing clause.
3. Emergency clause.

CHAP. 46.—[S. H. B. No. 55.] An Act to fix the times for holding the district courts in the several counties comprising the Twenty-fifth Judicial District of Texas, and to repeal all laws and parts of laws in conflict with the provisions of this act.

Whereas, a necessity has arisen out of the insufficiency of the two weeks term of the district court now allowed Wilson County for the transaction of the business of said court: Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas: That the district courts of the Twenty-fifth Judicial District shall hereafter begin their terms as follows, to-wit:

In the county of Lavaca on the first Mondays in February and August of each year, and may continue in session four weeks.

In Colorado County on the first Mondays in March and September each year, and may continue in session four weeks.

In Guadalupe County on the first Mondays in May and November of each year, and may continue in session four weeks.

In Wilson County on the first Mondays in June and December of each year, and may continue in session four weeks.

In Gonzales County on the first Mondays in January and July of each year, and may continue in session four weeks.

Sec. 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 3. Whereas, it is important to the people to be affected thereby that this bill should become a law at an early day; and whereas, the delay incident to reading bills on three several days renders doubtful the passage of the bill at an early day; therefore, a public emergency exists demanding the suspension of the rule requiring bills to be read on three several days and said rule is so suspended; and it is enacted that this law take effect and be in force from and after its passage.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 71 yeas, no nays; and passed the Senate by a vote of 22 yeas, no nays.]

Approved, March 21, 1887.

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TRIAL BEFORE JURY.

Sec. 1. Adds Art. 669a to Title 8, Chap. 5, Code Criminal Procedure, regulating order of trial where two or more persons are charged by separate indictments of offenses arising from same transaction.

CHAP. 47.—[H. B. No. 103.] An Act to create Article 669a, of Title 8, Chapter 5, of the Code of Criminal Procedure of the State of Texas, so as to provide the order in which defendants charged with the same offense shall be tried.

Section 1. Be it enacted by the Legislature of the State of Texas: That Title 8, Chapter 5, of an act entitled "An Act to adopt and establish a Code of Criminal Procedure for the State of Texas," passed February 21, 1879, be so amended as to add an additional article, as follows, to-wit:

Article 669a. Where two or more defendants are prosecuted for an offense growing out of the same transaction, by separate indictments, either defendant may file his affidavit in writing that one or more parties are in-

dicted for an offense growing out of the same transaction for which he is indicted, and that the evidence of such party or parties is material for the defense of the affiant, and that the affiant verily believes that there is not sufficient evidence against the party or parties whose evidence is desired to secure his or their conviction; such party or parties for whose evidence said affidavit is made shall be first tried; and in the event that two or more defendants make such affidavit and cannot agree as to their order of trial, then the presiding judge shall direct the order in which the defendants shall be tried: Provided, That the making of such affidavit does not without other sufficient cause operate as a continuance to either party.

Approved, March 21, 1887.

#### LIVE STOCK.

Sec. 1. Amends Sec. 46, Acts 1885, exempting certain counties from the operation of the inspection laws, and for the appointment of inspectors by the Governor.

CHAP. 48.—[H. B. No. 39.] An Act to amend Section 46, Chapter 25, of the Acts of 1885, entitled "An Act to amend Chapter 79, of the Acts of 1883, entitled 'An Act to amend Section 46 of An Act to encourage stockraising and to protect stockraisers,' approved April 22nd, 1879, and amended April 4, 1881, and April 12, 1883."

Section 1. Be it enacted by the Legislature of the State of Texas: That Section 46 of the above recited act shall hereafter read as follows:

Section 46. That the counties of Anderson, Austin, Angelina, Bell, Bowie, Brazos, Bastrop, Burleson, Brazoria, Camp, Cass, Chambers, Cherokee, Colorado, Dallas, Delta, Denton, Ellis, Fannin, Franklin, Falls, Freestone, Gonzales, Eastland, Stephens, Fayette, Galveston, Goliad, Grayson, Gregg, Grimes, Hardin, Harrison, Henderson, Hill, Hunt, Hopkins, Houston, Jackson, Jasper, Jefferson, Johnson, Kaufman, Lamar, Lee, Leon, Lampasas, McLennan, Madison, Marion, Montgomery, Morris, Nacogdoches, Newton, Orange, Panola, Parker, Polk, Palo Pinto, Rains, Red River, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Tarrant, Titus, Trinity, Tyler, Upshur, Van Zandt, Walker, Washington, Wharton, De Witt, Wise, Wood, Jack, Calhoun, Harris, Young, Wheeler, Lavaca, Oldham, Nueces, Bee, Refugio, Limestone, San Patricio, Donley, Matagorda, Victoria, and the unorganized counties attached to Wheeler, Oldham, and Donley Counties, are hereby exempted from the operations of this act, and that the provisions of the same shall in no wise relate or apply to the aforesaid counties: Provided, That in those counties bordering on the lines of the State, except those bordering on Red River, whether organized or unorganized, the Governor shall appoint an inspector, whose duty it shall be to inspect, under the provisions of this act, all stock about to be driven or shipped out of this State, where there is a depot or place for the shipment of cattle: Provided, That such cattle shall not be subject to inspection on board of any railroad unless the same have been placed on board of such train for the purpose of evading the provisions of this act: And provided further, That the counties of Limestone, Fayette, Lavaca, Gonzales, Bell, Calhoun, Navarro, Hood, Houston, Somervell, Erath, Bosque, Austin, Jackson, Victoria, Freestone, Coryell, Hamilton, Williamson, and Harris, shall be exempted from all laws regulating inspection of hides.

Approved, March 21, 1887.

PHYSICIANS.

Sec. 1. Amends Art. 3635, Title 73, Revised Statutes—Requires physicians to record their certificates in the office of clerk of district court before practicing.

CHAP. 49.—[H. B. No. 124.] An Act to amend Article 3635, Title 73, of the Revised Civil Statutes.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 3635, Title 73, of the Revised Civil Statutes of the State of Texas, be and the same is hereby amended so as hereafter to read as follows:

Article 3635. The certificate provided for in the two preceding articles shall, before the person to whom it was granted is entitled to practice by virtue thereof, be recorded in the office of the clerk of the district court of the county in which such practitioner may reside or sojourn, in a well bound book to be kept by the clerk for that purpose, and when so recorded said clerk shall certify thereon, under his official seal, the fact and the date of such record, and shall return such certificate to the person to whom the same is granted, and shall be entitled to demand and receive for such service from the holder of such certificate the sum of one dollar.

Approved, March 23, 1887.

DISTRICT COURTS IN THE THIRTEENTH JUDICIAL DISTRICT.

Sec.

1. Prescribes the terms of court in the several counties comprised in said district.

Sec.

2. Emergency clause.

CHAP. 50.—[H. B. No. 122.] An Act to amend Section 13 of an act entitled An Act to amend Section 13 of An Act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved March 31, 1885.

Section 1. Be it enacted by the Legislature of the State of Texas: That Section 13, of Section 1, of an act entitled An Act to amend Section 13 of An Act to redistrict the State into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved March 31, 1885, be so amended as to hereafter read as follows:

Section 13. The Thirteenth Judicial District shall be composed of the counties of Limestone, Freestone and Navarro, and the District Courts shall be held therein as follows:

In the county of Freestone on the first Monday in September and the second Monday in February, and may continue in session four weeks.

In the county of Limestone on the fourth Monday after the first Monday in September, and on the fourth Monday after the second Monday in February, and may continue in session seven weeks.

In the county of Navarro on the third Monday in June and the first Monday in December of each year, and may continue in session nine weeks.

Section 2. The fact that these courts will meet in less than ninety days after the adjournment of the Legislature, creates an imperative public necessity and an emergency that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 81 yeas, no nays; and passed the Senate by a vote of 26 yeas, no nays.]

Approved, March 23, 1887.



## INTOXICATING LIQUORS ON ELECTION DAYS.

Sec. 1. Amends Article 178, Chapter 4, Title 6, of the Penal Code.

CHAP. 51.—[S. H. B. No. 95.] An Act to amend Article 178, Chapter 4, Title 6, of the Penal Code of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 178, Chapter 4, Title 6, of the Penal Code of the State of Texas, be so amended as to hereafter read as follows:

Article 178. If any person shall open or keep open any bar-room, saloon, or other place, house or establishment where vinous, malt, spirituous, or intoxicating liquors are sold during any portion of the day on which an election is held for any purpose or office whatsoever, in the voting precinct, village, town, or city where such election is held, or within three miles of any such voting precinct, village, town, or city where such election is held; or shall, in such voting precinct, village, town, or city, or within three miles thereof, sell, barter, or give away any vinous, malt, spirituous or intoxicating liquor, during the day on which any such election is held; or if any person shall carry to the polling place on the day of an election, or in the neighborhood of the same, any intoxicating liquors for the purpose of sale or gift; or if any person shall find and take possession of any intoxicating liquors at or near the polling place, or inform another of the whereabouts of the said intoxicating liquors, he shall be fined not less than one hundred nor more than five hundred dollars.

Approved, March 23, 1887.

## COUNTY OFFICERS AND COUNTY MONEYS.

Sec. 1. Amends Art. 951, Title 24, of the Revised Statutes—Requires a report to the county commissioners court from the clerk of district court and other county officers of any of the money that belongs to the county, or for its use, that may have come into the hands of said officers.

CHAP. 52.—[H. B. No. 96.] An Act to amend an act entitled An Act to amend Article 951, Title 24, of the Revised Statutes of the State of Texas, approved March 27, 1883.

Section 1. Be it enacted by the Legislature of the State of Texas: That an act entitled An Act to amend Article 951, Title 24, of the Revised Statutes, approved March 27, 1883, be so amended as to hereafter read as follows:

Article 951. Clerks of the district and county courts, county judges, county treasurers, sheriffs, district and county attorneys, constables and justices of the peace, who shall collect or handle any money for the use of the county, shall make a full and complete report, under oath, in writing, to the commissioners court, at each regular term thereof, of all fines imposed and collected and all judgments rendered and collected for the use of the county, and all jury fees collected in their respective courts in favor of or for the use of the county; and at the same time to present their receipts and vouchers showing what disposition has been made of the money collected, fines imposed, and judgments rendered; which reports, receipts, and vouchers shall be carefully examined by the said commissioners court, and if found to be correct, shall cause the clerk to enter the same on the financial ledger, and if found to be incorrect, shall summon said officer before them, and have the same corrected; and said reports, receipts, and vouchers shall be filed in the county clerk's office.

Approved, March 23, 1887.

UNLAWFUL MARRIAGES.

Sec. 1. Penalty for bigamy increased.

CHAP. 53.—[H. B. No. 53.] An Act to amend Article 324, Title 10, Chapter 1, Penal Code.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 324, Penal Code, Title 10, Chapter 1, hereafter read as follows:

Article 324. If any person who has a former wife or husband living shall marry another in this State, such person shall be punished by imprisonment in the State penitentiary for a term not less than two nor more than five years.

Approved, March 23, 1887.

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ILLEGAL VOTING.

Sec. 1. Amends Article 165, Chapter 4, Title 6, Penal Code, and prescribes punishment for voting for any person or proposition by one knowing himself not qualified to vote.

CHAP. 54.—[H. B. No. 73.] An Act to amend Article 165, Chapter 4, Title 6, of the Penal Code of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 165, Chapter 4, Title 6, of the Penal Code of the State of Texas, be so amended as hereafter to read as follows:

Article 165. If any person, knowing himself not to be a qualified voter, shall at any election held vote for any officer to be then chosen, or for or against any measure or proposition to be determined by said election, he shall be punished by confinement in the penitentiary not less than two nor more than five years.

Approved, March 23, 1887.

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TAXES BY CITIES AND TOWNS FOR CONSTRUCTION OF PUBLIC BUILDINGS, ETC.

Sec.

1. City council may levy tax to meet interest and sinking fund on certain debts, and may issue coupon bonds, etc.

Sec.

2. Repealing clause.  
3. Emergency clause.

CHAP. 55.—[H. B. No. 377.] An Act to authorize cities and towns to levy and collect taxes for the construction or purchase of public buildings, water-works, sewers, improvements of streets, and other permanent improvements, and to issue bonds therefor, and to repeal all laws in conflict therewith.

Section 1. Be it enacted by the Legislature of the State of Texas: That the city or town council of any city or town within this State, incorporated under the General Laws, shall have power by ordinance to levy and collect an annual ad valorem tax sufficient to meet the interest and sinking fund on all indebtedness legally incurred prior to the adoption of the constitutional amendment in 1883 regarding the power of cities and towns to levy and collect taxes, etc., and may levy and collect twenty-five cents on the one hundred dollars valuation of all the property in such city or town for current expenses, and may levy and collect an additional tax of twenty-five cents on the one hundred dollars valuation for the purpose of constructing or the purchase of public buildings, water-works, sewers, street improvements and other permanent improvements within the limits of such city or town; and all cities and towns providing for such improvements shall have the power to issue coupon bonds of the city therefor, in such sum or sums as

they may deem expedient, to bear interest not exceeding six per cent per annum: Provided, That the aggregate amount of bonds issued for the above named purposes shall never reach an amount where the tax of one-fourth of one per cent will not pay current interest and provide a sinking fund sufficient to pay the principal at maturity, and the amount of bonds legally issued under acts passed prior to the adoption of the present Constitution shall not be computed in estimating the amount of bonds which may be issued for the above named city improvements. Within the meaning of this act shall be included building sites and buildings for the public free schools and institutions of learning within those which have assumed, or may assume hereafter, the exclusive control and management of the public free schools and institutions of learning within their limits.

Sec. 2. That all laws in conflict with this act are hereby repealed.

Sec. 3. Whereas there is some doubt as to the existing power of cities and towns within this State to levy and collect taxes for the purpose of improving such cities and towns; and whereas there are many cities and towns without the necessary means to make needed permanent improvements, and for the reason that it is important that definite power should be given to conform the tax law of such cities and towns to the amended Constitution: therefore an emergency exists and an imperative public necessity demands the suspension of the constitutional rule requiring the bill to be read on three several days in each house, and said rule is so suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 65 yeas, 20 nays; and passed the Senate by a vote of 21 yeas, 3 nays.]

Approved, March 23, 1887.

#### WILLS.

Sec.

1. Authenticated testamentary instruments which have been probated in any State or Territory of the U. S. may be recorded here as muniments of title—Provided four years in which to contest such authenticated testamentary instrument.
2. Such authenticated testamentary instrument shall be prima facie evidence that the probate law of the State where such instrument was probated has been complied with.

Sec.

3. Such testamentary instrument when recorded shall have the effect of a deed.
4. That the record of such instrument shall be notice of such will.
5. Suspends the rule requiring bills to be read on three several days.

CHAP. 56.—[S. B. No. 114.] An Act authorizing wills and testaments, and testamentary instruments of any character, which have been probated in any other State or Territory of the United States, to be recorded as muniments of title to real property in this State conveyed thereby.

Section 1. Be it enacted by the Legislature of the State of Texas: That when any will or testament, or testamentary instrument of any character, conveying or in any manner disposing of land in this State, has been duly probated according to the laws of any of the United States or Territories, a copy thereof and its probate, attested by the clerk of the court in which such will and testament or testamentary instrument was admitted to probate, and the seal of the court annexed if there be a seal, together with a certificate from the judge or presiding magistrate of such court that the said attestation is in due form, may be filed and recorded in the register of deeds in any county in which said real estate is situated, in the same manner as deeds and conveyances are required to be recorded, and without further proof or authentication: Provided, that at any time within four years from

the date of the record of such will in this State, the validity of such will may be contested in a proceeding instituted for that purpose, as the original might have been.

Sec. 2. A copy of such will and testament, or testamentary instrument, and its probate so attested, together with the certificate that said attestation is in due form as required by the preceding section of this act, shall be prima facie evidence that said will has been duly admitted to probate according to the laws of the State wherein it has been admitted to probate, and shall be sufficient to authorize the same to be recorded in the proper county or counties in this State.

Sec. 3. Every such will and testament, or testamentary instrument, and its probate, which shall be attested and proven as provided in section one of this act, and delivered to the clerk of the proper court to be recorded, shall take effect and be valid and effectual as a deed of conveyance of said property, and the record thereof shall have the same force and effect as the record of deeds or other conveyances to land from the time when such instrument was delivered to such clerk to be recorded, and from that time only.

Sec. 4. The record of such will and testament, or testamentary instrument, and its probate, duly attested and proven as provided in the preceding sections of this act, and duly made in the proper county, shall be taken and held as notice to all persons of the existence of such will and testament, and of the title or titles conferred thereby.

Sec. 5. The near approach of the close of the session creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended.

Approved, March 23, 1887.

#### RAILROAD CROSSINGS.

Sec.

1. Requires openings and crossings every mile and a half where railways fence their right of way—Provides for at least one opening and crossing in every enclosure where the railways have fenced their right of way.
2. Such crossings shall be thirty feet wide, and provides the condition in which they shall be kept.
3. Such openings and crossings shall be made on demand of two citizens who live in five miles of the railway.
4. Such demand shall be made in writing to the nearest local agent of such railway.

Sec.

5. Railways shall have thirty days to make such crossing, and are not required to make such crossing under certain circumstances.
6. What shall be deemed a compliance to demand for an opening and crossing.
7. Persons making such demand can recover from such railway five hundred dollars for each month they fail to comply therewith.
8. This law does not affect the law which requires crossings at intersections of roads and streets.

CHAP. 57.—[S. S. B. No. 44.] An Act to require railway corporations when they fence their right of way, or where they have already fenced it, to leave or make certain crossings or openings therein, and to provide a penalty for the violation hereof.

Section 1. Be it enacted by the Legislature of the State of Texas: That all railway corporations in this State which have, or which may hereafter fence their right of way, may be required to make openings or crossings through their fence and over their road-bed along their right of way every one and one-half miles thereof: Provided, That if such fence shall divide any enclosure that at least one opening shall be made in said fence within such enclosure.

Sec. 2. Such crossings shall be not less than thirty feet in width, and shall be made and kept in such condition as to admit of the free and easy passage of horses, cattle, sheep, hogs, all other domesticated animals, wagons, and other vehicles.

Sec. 3. Such crossings shall be made at such times and places as may

be demanded by any two or more citizens of the State who either live or own land within five miles of the place where such crossings may be demanded.

Sec. 4. Such demand shall be made in writing, of the nearest local agent of such railway company to the place where such crossing or crossings are demanded, and shall state when and where such crossing is desired.

Sec. 5. No railway company shall be required to complete such crossings as may be demanded under this act in a shorter time than thirty days from the day on which such demand is first made, nor shall they be required to make any crossings where they have already left such crossings in each one and one-half miles of their road, except inside of inclosures, as is provided in section one.

Sec. 6. Any railway company, upon such demand, shall be deemed to have complied therewith upon making such crossings within four hundred yards of the place where they are demanded, within the time herein allowed.

Sec. 7. Whenever any railway company shall fail or refuse to comply with the requirements of this act after demand is made in accordance herewith, such railway company shall pay to the persons who made such demand each the sum of five hundred dollars for each and every month they shall so fail or refuse to comply with such demand, the same to be recovered by suit in any court of this State having jurisdiction of the amount.

Sec. 8. Nothing in this act shall be so construed as to affect the law requiring railroad companies to provide proper crossings at intersection of all roads and streets.

Approved, March 23, 1887.

#### PRIVATE CORPORATIONS.

Sec. 1. Amends act of March 27, 1885, amendatory of Art. 566, Chap. 2, Revised Statutes, declaring for what purposes charters may be granted.

CHAP. 58.—[S. H. Bs. Nos. 43, 45.] An Act to amend an act entitled "An Act to amend Chapter 2, Article 566, of the Revised Civil Statutes of the State of Texas," approved March 27, 1885.

Section 1. Be it enacted by the Legislature of the State of Texas: That an act to amend Chapter 2, Article 566, of the Revised Civil Statutes of the State of Texas, approved March 27, 1885, be so amended as to hereafter read as follows:

Article 566. The purposes for which private corporations may be formed are:

1. The support of public worship.
2. The support of any benevolent, charitable, educational or missionary undertaking.
3. The support of any literary undertaking, the maintenance of a library, or the promotion of painting, music, or other fine arts.
4. The encouragement of agriculture and horticulture by associations for the maintenance of public fairs and exhibitions of stock and farm products.
5. The maintenance of a public or private cemetery.
6. The construction and maintenance of any species of road except a railroad and a bridge in connection therewith.
7. The construction and maintenance of a bridge.
8. The construction and maintenance of a telegraph or telephone line.
9. The establishment and maintenance of a ferry.

10. The establishment and maintenance of a line of stages.
  11. The building and navigation of steamboats, and the carriage of persons and property thereon.
  12. The supply of water to the public.
  13. The manufacture and supply of gas, or of the supply of light or heat to the public by any means.
  14. The transaction of any manufacturing or mining business.
  15. The transaction of a printing or publishing business, and in connection therewith the sale of goods, wares, and merchandise of a stationery and blank book manufacturing business.
  16. The establishment and maintenance of a hotel.
  17. The erection of buildings and the accumulation and loan of funds for the purchase of real property in cities, towns and villages.
  18. The transportation of goods, wares and merchandise, or any valuable thing.
  19. The promotion of immigration.
  20. The construction and maintenance of sewers.
  21. The construction and maintenance of a street railway.
  22. The erection and maintenance of market houses and market places.
  23. The construction and maintenance of canals for the purposes of irrigation, navigation or manufacturing.
  24. The purchase and sale of agricultural and farm products, goods, wares and merchandise: Provided, That the capital stock of such corporations shall not exceed twenty thousand dollars: Provided further, That the number of persons incorporating for such purposes shall in no instance be less than ten, nor shall any person hold or own more than five hundred dollars of such stock; and any person owning more than five hundred dollars of such stock shall be liable for all the debts of such corporation.
  25. The construction of harbors and canals on the coast of the Gulf of Mexico.
  26. The growing, purchasing and selling seeds, plants, trees, etc., for agricultural, horticultural and ornamental purposes.
  27. The construction and maintenance of mills and gins.
  28. The accumulation and loan of money; but this subdivision shall not permit incorporation with banking or discounting privileges.
  29. The construction and maintenance of stock yards and pens.
  30. The construction and maintenance of establishments for slaughtering, refrigerating, canning, curing and packing meat.
  31. The construction and maintenance of establishments for the preserving and canning of fruits, vegetables and fish.
- Approved, March 23, 1887.

#### CITIES AND TOWNS.

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| <p>Sec.<br/>1. Provides for special election to fill vacancies in the offices of mayor or alderman in cities or towns.</p> | <p>Sec.<br/>2. Emergency clause.</p> |
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CHAP. 59.—[H. B. No. 595.] An Act to amend Article 352, Title 17, Chapter 2, of the Revised Civil Statutes of the State of Texas, as amended by an act approved April 6, 1881.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 352, Title 17, Chapter 2, of the Revised Civil Statutes, as amended by the act approved April 6, 1881, be so amended as to hereafter read as follows:

Article 352. In case of a vacancy in the office of mayor or alderman, by refusal to accept or failure to qualify, or by death, resignation or otherwise, the city council shall order a new election to fill such vacancy, and all special elections shall be conducted as is herein provided for in the annual election: Provided, that in all special elections to fill vacancies ten days notice shall be deemed sufficient. In case of a vacancy in any other office in the city than mayor or alderman, by refusal to accept, or failure to qualify, or by death, resignation or otherwise, the mayor or acting mayor shall fill such vacancy by appointment to be confirmed by the city council.

Sec. 2. Whereas this session is drawing to a close, and there will not be sufficient time to consider this bill on three several days, and there is no sufficient provision properly providing for the election of mayor and alderman in case of a vacancy in such office, therefore an imperative public necessity is created for the suspension of the constitutional rule requiring bills to be read on three several days, such rule is suspended, and an emergency exists that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 72 yeas, and passed the Senate by a vote of 26 yeas.]

Approved, March 24, 1887.

#### PROTECTION OF GAME.

Sec. 1. To punish taking or killing quail and partridges in April, May, June, July, August and September—Fines to go to common school fund—Netting entirely prohibited.

CHAP. 60.—[H. B. No. 60.] An Act to amend Article 428 of Section 1 of an act entitled "An Act to amend Articles 423, 424, 425, 426, 427, 428, 429, and 430a, and to create Article 426½, and to repeal Article 430, of Chapter 5, Title 13, of the Penal Code of the Revised Statutes, for the protection of fish and game," approved March 15th, A. D. 1881.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 428 of Section 1 of an act entitled "An Act to amend Articles 423, 424, 425, 426, 427, 428, 429, and 430a, and to create Article 426½, and to repeal Article 430, of Chapter 5, Title 13, of the Penal Code of the Revised Statutes, for the protection of fish and game," approved March 15, A. D. 1881, be amended so as to read as follows:

Article 428. If any person shall in any manner catch or kill any quail or partridges in this State, in the months of April, May, June, July, August, and September of any year, he shall be deemed guilty of a misdemeanor, and upon conviction thereof before any justice of the peace, or other court of competent jurisdiction, shall be fined the sum of ten dollars, together with all costs of suit, which fine shall go to the common school fund, and the person so convicted shall stand committed to jail until such fine and costs are paid; and the netting of partridges and quail is hereby entirely prohibited, under a like penalty for the infraction of this provision and under the proceedings governing this article.

Approved, March 25, 1887.

JUDICIAL DISTRICTS—THIRTY-EIGHTH DISTRICT.

Sec.

1. Fixes times of holding court in several counties of said district.

Sec.

2. Repealing clause.
3. Emergency clause.

CHAP. 61.—[H. B. No. 185.] An Act to amend Section 38 of an act entitled "An Act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884," approved April 9, 1883.

Section 1. Be it enacted by the Legislature of the State of Texas: That section thirty-eight of an act entitled "An Act to redistrict the State into judicial districts and to fix the times for holding court therein, and to provide for the election of judges and districts attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884," approved April 9, 1883, be so amended as hereafter to read as follows:

Section 38. The Thirty-eighth Judicial District shall be composed of the counties of Uvalde, Comal, Kendall, Kerr, Bandera, and Medina, and the district courts therein shall be held as follows:

In the county of Uvalde on the second Monday after the first Mondays in March and September, and may continue in session two weeks.

In the county of Bandera on the fifth Monday after the first Mondays in March and September, and may continue in session two weeks.

In the county of Kendall on the seventh Monday after the first Mondays in March and September, and may continue in session two weeks.

In the county of Kerr on the ninth Monday after the first Mondays in March and September, and may continue in session two weeks.

In the county of Comal on the eleventh Monday after the first Mondays in March and September, and may continue in session two weeks.

In the county of Medina on the thirteenth Monday after the first Mondays in March and September, and may continue in session until the business is disposed of.

Sec. 2. All laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 3. The near approach of the close of the session of the Legislature creates an imperative public necessity which justifies the suspension of the constitutional rule requiring bills to be read on three several days, and the same is therefore suspended; and as an emergency exists that this bill become a law from and after its passage, in order to clear the dockets of the district courts of the counties composing this district, and to give to the parties litigant a speedy trial, it is further enacted that this bill become a law from and after its passage.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 71 yeas, no nays; and passed the Senate by a vote of 21 yeas, no nays.]  
Approved, March 25, 1887.



## INJURIES RESULTING IN DEATH—ACTIONS FOR.

Sec. 1. Amends the first clause of Article 2899, Revised Statutes.

CHAP. 62.—[S. B. No. 239.] An Act to amend Article 2899 of the Revised Civil Statutes of the State of Texas in relation to the recovery of damages for injuries resulting in death.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 2899 of the Revised Civil Statutes of the State of Texas be so amended as to hereafter read as follows:

Article 2899. An action for actual damages on account of injuries causing the death of any person may be brought in the following cases:

1. When the death of any person is caused by the negligence or carelessness of the proprietor, owner, charterer, or hirer of any railroad, steamboat, stage coach, or other vehicle for the conveyance of goods or passengers, or by the unfitness, negligence, or carelessness of their servants or agents.

2. When the death of any person is caused by the wrongful act, negligence, unskillfulness, or default of another.

Approved, March 25, 1887.

## SHERIFFS' REPORTS TO ADJUTANT-GENERAL.

Sec.

1. Sheriffs to forward list of fugitives to Adjutant-General.

Sec.

2. Adjutant-General to furnish blanks.  
3. Penalty for failing to forward lists.

CHAP. 63.—[S. B. No. 271.] An Act requiring sheriffs to report to the Adjutant-General, upon adjournment of the district courts in the several counties of this State, certified lists of all fugitives under indictment for felony in said counties, to provide the means and mode of securing such lists, and to prescribe the punishment for a failure or refusal to forward them.

Section 1. Be it enacted by the Legislature of the State of Texas: That hereafter it shall be the duty of each sheriff in this State, upon the close of any regular term of the district court in his county, or within thirty days thereafter, to make out and forward by mail to the Adjutant-General of this State a certified list of all persons who, after indictment for a felony, have fled from said county. Such lists shall contain the full name of each of such fugitives, with a description giving his age, height, weight, color, and occupation, the complexion of skin, and the color of eyes and hair, and any peculiarities in person, speech, manner, or gait that may serve to identify such fugitive, so far as the sheriff may be able to give them, and shall state the offense with which such person is charged.

Sec. 2. The Adjutant-General shall prescribe, have printed, and forward to the sheriffs of the several counties the necessary blanks upon which are to be made the lists herein required.

Sec. 3. Any sheriff in this State failing or refusing to make out and forward said certified lists within the time and according to the forms herein provided for, shall be deemed guilty of official misconduct, and upon conviction shall be fined not less than ten nor more than one hundred dollars.

Approved, March 25, 1887.

SUPREME COURT AND COURT OF APPEALS.

Sec.

1. Art. 1006—Counties returnable on appeal and writ of error to Tyler, and cases to be transferred from Austin thereto. Article 1008—Counties so returnable to Austin.

Sec.

2. Emergency clause.

CHAP. 64.—[H. B. No. 545.] An Act to amend Articles 1006 and 1008 of an act passed by the Nineteenth Legislature, approved March 28th, 1885, entitled "An Act to amend Articles 1006, 1007, and 1008 of an act entitled An Act to amend Articles 1006, 1007, and 1008 of the Revised Civil Statutes of the State of Texas, approved February 21st, 1879, passed by the Eighteenth Legislature," and approved April 9th, 1883.

Section 1. Be it enacted by the Legislature of the State of Texas: That Articles 1006 and 1008 of the above recited act, sought hereby to be amended, be and the same are hereby amended so as hereafter to read as follows:

Article 1006. Appeals and writs of error from the counties of Anderson, Bowie, Camp, Cass, Cherokee, Delta, Ellis, Hopkins, Franklin, Gregg, Harrison, Henderson, Hunt, Kaufman, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood, shall be returnable to the term of said court held at Tyler; and all cases from the county of Ellis pending in the Supreme Court and the Court of Appeals at Austin, and undetermined at the adjournment of the term of said courts commencing on the first Monday of April, 1887, shall be transferred to Tyler, and entered upon the dockets of said courts of Tyler, and shall be tried and determined in the same manner as if said cases had originally been made returnable to the term of said courts held at Tyler.

Article 1008. Appeals and writs of error from the counties of Andrews, Archer, Armstrong, Atascosa, Bailey, Bandera, Bastrop, Baylor, Bell, Bexar, Blanco, Borden, Bosque, Briscoe, Brown, Burnet, Caldwell, Callahan, Carson, Castro, Childress, Collingsworth, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crockett, Cochran, Clay, Coleman, Collin, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Denton, Dickens, Dimmit, Donley, Eastland, Edwards, El Paso, Erath, Falls, Fannin, Fisher, Floyd, Frio, Gaines, Garza, Gillespie, Gray, Grayson, Greer, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hartley, Haskell, Hays, Hemphill, Hill, Hockley, Hood, Howard, Hutchinson, Jack, Johnson, Jones, Karnes, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamar, Lamb, Lampasas, La Salle, Lee, Limestone, Lipscomb, Live Oak, Llano, Lubbock, Lynn, Martin, Mason, Maverick, McCulloch, McLennan, McMullen, Medina, Menard, Midland, Milam, Mitchell, Montague, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Palo Pinto, Parker, Pecos, Potter, Preaidio, Randall, Reeves, Roberts, Robertson, Runnels, San Saba, Scurry, Shackelford, Sherman, Somervell, Stephens, Stonewall, Swisher, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Travis, Uvalde, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Wise, Yoakum, Young, and Zavala, shall be returnable to the term of said court held at Austin.

Sec. 2. The near approach of the close of the session and the great press of business rendering it improbable that this bill will be reached in both houses in its regular order, and the importance of a more equal distribution of the work of the Supreme Court and of the Court of Appeals at the several places where their terms are held, create an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and such rule is hereby suspended.

Approved, March 25, 1887.

## JUDICIAL DISTRICTS—FORTY-FIRST.

Sec.

1. Creates Forty-first Judicial District.
2. Fixes time of holding court in counties composing said district.
3. Governor to appoint district judge and district attorney for this district.

Sec.

4. Writs and process, how returnable.
5. Repealing clause.
6. Emergency clause.

CHAP. 65.—[H. B. No. 507.] An Act to create the Forty-first Judicial District, and to provide for the appointment of a district judge and district attorney therein, and to provide the times of holding the terms of the district courts in said district.

Section 1. Be it enacted by the Legislature of the State of Texas: That the counties of Brewster, Buchel, Foley, Pecos, Val Verde, Crockett, Kinney, Edwards, Jeff Davis, and Maverick, be and the same are hereby constituted the Forty-first Judicial District of the State of Texas.

Sec. 2. The district courts shall be held in the several counties composing the Forty-first Judicial District as follows:

In the county of Brewster on the first Mondays in March and September, and may continue in session two weeks.

In the county of Pecos on the third Monday after the first Mondays in March and September, and may continue in session two weeks.

In the county of Val Verde on the fifth Monday after the first Mondays in March and September, and may continue in session two weeks.

In the county of Kinney on the seventh Monday after the first Mondays in March and September, and may continue in session three weeks.

In the county of Edwards on the tenth Monday after the first Mondays in March and September, and may continue in session two weeks.

In the county of Maverick on the twelfth Monday after the first Mondays in March and September, and continue in session until the business is disposed of.

The unorganized county of Crockett is hereby attached to the county of Val Verde for judicial purposes.

Sec. 3. The Governor shall appoint some suitable citizen of said district, possessing the qualifications required by the Constitution in case of an election, judge of said district, who shall hold his office until the next general election and until his successor is elected and qualified; and the Governor shall also appoint some suitable citizen of said district, possessing the qualification required in case of an election, district attorney of said district until the next general election and until his successor is elected and qualified.

Sec. 4. All writs and process returnable to the district courts as heretofore fixed in the several counties affected by this act shall be as valid and binding as if no change had been made by this act.

Sec. 5. All laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 6. Whereas the dockets of the district courts in the several counties composing the district hereby created are now in such crowded condition as to prevent a speedy trial of the same unless this bill is enacted into a law, creates such an emergency and public necessity as requires the suspension of the constitutional rule requiring bills to be read on three several days; said rule is therefore suspended, and it is enacted that this act take effect and be in force from and after its passage.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 77 yeas, and passed the Senate by a vote of 23 yeas.]

Approved March 25, 1887.

DEPARTMENT OF STATE.

Sec. 1. Certain files, etc., declared to be archives of said department.

CHAP. 66.—[S. B. No. 147.] An Act to amend Article 62, Chapter 2, Title 7, of the Revised Civil Statutes of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 62, Chapter 2, Title 7, be so amended as to hereafter read as follows:

Article 62. The entire archives of the Congress of the late Republic of Texas, and of the several Legislatures of the State of Texas, arranged and filed according to law, together with the records, books, and journals of said Congress and Legislatures of the State, prepared in accordance with law, and heretofore or that may be hereafter deposited in the office of the Secretary of State, are declared to be archives of said office.

Approved, March 25, 1887.

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HABEAS CORPUS.

Sec. 1. Repeals the restriction on obtaining the writ a second time.

CHAP. 67.—[S. B. No. 199.] An Act to repeal Article 190, Title 3, Chapter 8, of the Code of Criminal Procedure of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 190 of the Code of Criminal Procedure of the State of Texas be and the same is hereby repealed.

Approved March 25, 1887.

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COUNTY COURTS—JURISDICTION RESTORED.

Sec.

1. Restores the original jurisdiction to county courts of Live Oak, Karnes, La Salle, Kendall, Coryell, Panola, and Throckmorton Counties.
2. Appellate jurisdiction of said courts.
3. County judges of said counties may issue writs of injunction, etc.
4. For enforcement of forfeitures, etc.

Sec.

5. Jurisdiction of misdemeanors.
6. Transcripts of cases in district courts certified to said county courts.
7. Terms of county court in said counties, and return of process.
8. Jurisdiction in probate matters.

CHAP. 68.—[S. B. No. 2.] An Act to restore to and confer upon the county courts of Live Oak, Karnes, La Salle, Kendall, Coryell, Panola, and Throckmorton Counties the civil and criminal jurisdiction heretofore belonging to said courts under the Constitution and general statutes of the State, to conform the jurisdiction of the district courts of said counties to such change, and to repeal all laws in conflict with the provisions of this act.

Section 1. Be it enacted by the Legislature of the State of Texas: That the county courts of Live Oak, Karnes, La Salle, Kendall, Coryell, Panola, and Throckmorton Counties, shall hereafter have exclusive original jurisdiction in civil cases where the matter in controversy shall exceed in value two hundred dollars and shall not exceed five hundred dollars exclusive of interest, and shall have concurrent jurisdiction with the district courts of said counties when the matter in controversy shall exceed five hundred dollars and not exceed one thousand dollars.

Sec. 2. Said county courts shall have appellate jurisdiction in civil cases over which justices courts have original jurisdiction when the judgment of the court appealed from or the amount in controversy shall exceed twenty dollars, and said county courts shall have power to hear and determine cases brought up from the justices courts by certiorari under the provisions of the title of the Revised Civil Statutes relating thereto.

Sec. 3. The county judges of said counties shall have authority, either in term time or vacation, to grant writs of mandamus, injunction, sequestration, garnishment, attachment, certiorari, supersedeas, and all other writs necessary to the enforcement of the jurisdiction of said court, and shall also have power to issue writs of habeas corpus in all cases in which the Constitution has not exclusively conferred the power on the district court or judge thereof.

Sec. 4. Said county court shall have jurisdiction in the forfeiture and judgment of all bonds and recognizances taken in criminal cases of which criminal cases said court has jurisdiction.

Sec. 5. Said county courts shall have exclusive original jurisdiction of all misdemeanors, except misdemeanors involving official misconduct, and except cases in which the highest penalty of fine that may be imposed under the law may not exceed two hundred dollars, and said courts shall have also appellate jurisdiction in criminal cases of which justices of the peace and other inferior tribunals of said counties have original jurisdiction.

Sec. 6. The district courts of Live Oak, Karnes, La Salle, Kendall, Coryell, Panola, and Throckmorton Counties, shall no longer have jurisdiction of cases of which the county courts of said counties by the provisions of this act have exclusive original or appellate jurisdiction, and it shall be the duty of the clerks of the district courts of said counties within thirty days from the passage of this act to make a full and complete transcript of all orders on their dockets in cases now pending before said district courts of which cases by the terms of this act exclusive jurisdiction is given to the county courts, and to deliver said transcripts, together with the original papers and a certified bill of costs, to the clerk of said county courts, and said county clerks shall enter said case or cases on their dockets for trial by said county courts.

Sec. 7. The county courts of said counties shall hereafter hold their regular terms for civil and criminal business as provided in the Constitution and General Laws of the State, and process heretofore issued from the district courts of said counties in cases to be transferred under this act to the county courts shall be returnable to the first term of the county courts, and all civil cases transferred shall be entered as appearance cases upon the dockets of said county courts.

Sec. 8. The county courts of said Live Oak, Karnes, La Salle, Kendall, Coryell, Panola, and Throckmorton Counties shall have, as now, the general jurisdiction of probate courts for the probate of wills, appointment of guardians of minors, idiots, lunatics, persons non compos mentis and common drunkards, and for the issuance of letters testamentary and administration, settlement of accounts of administrators and guardians, and the settlement of distribution of decedent's estates, and the apprenticeship of minors, and all other necessary powers conferred by law on courts of probate.

Sec. 9. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed, and that this act take effect and be in force from and after its passage.

Approved March 25, 1887.

ATTACHMENT AND SEQUESTRATION.

Sec. 1. Venue of suits for wrongfully suing out writs of.

CHAP. 69.—[S. B. No. 249.] An Act to provide for the venue of suits for damages growing out of attachment and sequestration suits.

Section 1. Be it enacted by the Legislature of the State of Texas: That any suit for damages growing out of the wrongful levy of a writ of attachment or sequestration, may be brought in any county from which such writ issued or in any county in which any such levy is made within this State.

Approved March 25, 1887.

ESTATES OF DECEDENTS.

Sec. 1. Partition per capita and per stirpes.

CHAP. 70.—[S. B. No. 289.] An Act to amend Article 1652 of the Revised Civil Statutes of the State of Texas, relating to the descent and distribution of estates.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 1652 of the Revised Civil Statutes of the State of Texas be so amended as to read hereafter as follows:

Article 1652. When the intestate's children, or brothers and sisters, uncles and aunts, or any other relations of the deceased standing in the first and same degree alone come into the partition, they shall take per capita—that is to say, by persons; and when a part of them being dead and a part living, the descendants of those dead have right to partition, such descendants shall inherit only such portion of said property as the parent through whom they inherit would be entitled to if alive.

Approved March 25, 1887.

RELIEF OF CITIZENS OF CALHOUN COUNTY FROM TAXES.

Sec.

1. Relieves citizens of Calhoun from payment of State taxes for 1886.

Sec.

2. Emergency clause.

CHAP. 71.—[S. B. No. 166.] An Act to relieve the citizens of Calhoun County from the payment of taxes due to the State of Texas for the year A. D. 1886.

Whereas, on the 20th day of August, A. D. 1886, a great storm and flood swept over the county of Calhoun, which destroyed the city of Indianola and caused great loss of life; the floods caused by a great tidal wave passed over the greater portion of the country and destroyed every vestige of the growing crops in its wake, and killed large numbers of cattle, horses, and other stock; in portions of the county not reached by the flood the wind was so violent that many dwellings, fences, etc., were utterly demolished; scarcely a building of any character in the town that escaped wreck and damage;

And whereas the great loss of life and destruction of property in said county have produced a great public calamity by rendering homeless many hundreds of its inhabitants; Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas: That the citizens of Calhoun County be and they are hereby released from the payment of taxes due by them in said county to the State for the year A. D. 1886, and that the collector of taxes for the said county is hereby forbidden to collect the taxes due the State in said county for the year A. D. 1886 by the inhabitants of said Calhoun County.

Sec. 2. Whereas the time being near at hand for the enforced collection of taxes due the State, an emergency exists which justifies that the rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the Senate, and passed the same by a vote of 28 yeas, no nays; and passed the House by vote of 73 yeas.]

Approved March 25, 1887.

#### CITIES AND TOWNS—CONCERNING DEBTS OF.

##### Sec.

1. Cities and towns may compromise existing debts, and to pay such debts may issue new bonds.
2. In making compromises debts barred by the statutes of limitation shall not be funded.
3. New bonds exempt from municipal taxes, and receivable for taxes levied to pay the same.
4. Bonds to be signed by the mayor, attested by the secretary, and registered in the office of the State Comptroller.
5. New bonds may be exchanged for old, or sold and proceeds applied under certain restrictions.
6. Continues laws now in force for collection of taxes—When sinking fund may be applied to purchase of new bonds.

##### Sec.

7. Continues laws for the levy and collection of taxes when the compromise is accepted—Limiting defenses to actions on new bonds, etc.
8. Collector liable on his official bond at the suit of holders of new bonds for failing to collect taxes, etc.—Governor to appoint collector, when.
9. Board of Liquidation; how appointed, duties of, etc.
10. Provides for appointment of a receiver, etc.
11. Repeals act of March 25, 1879, in so far as said act applies to bonds issued under act of April 12, 1871—Does not repeal the act of April 12, 1879.
12. Emergency clause.
13. Suspends rule requiring bills to be read on three several days.

CHAP. 72 —[S. B. No. 291.] An Act to authorize any city or town in this State to compromise existing indebtedness, and to issue new bonds to be sold or exchanged for this purpose, and to provide for the efficient collection of taxes to pay the principal and interest of such new bonds, and to provide for the appointment of receivers for said municipal corporations during the pendency of negotiations for such compromise.

Whereas in some of the cities and towns of this State there is an existing indebtedness against the same necessitating the collection of an excessive tax upon the people to pay the interest and provide a sinking fund as required by law for the ultimate extinguishment of said indebtedness,

And whereas it is believed a satisfactory adjustment, settlement and compromise of much of said indebtedness could be effected between said cities and towns and the holders of such indebtedness if duly authorized by law, by which such indebtedness would be greatly reduced and taxation necessary to meet the same greatly lessened in amount;

And whereas the accomplishment of this adjustment, settlement and compromise is a great public necessity which requires the rules to be suspended that this act may become a law at the present session of the Legislature, and that it take effect and be in force from and after its passage: Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas: That the mayor and board of aldermen of any city or town in this State are hereby authorized and empowered, by resolution or ordinance of said board of aldermen reciting the caption of this act and adopting the same, to compromise and fund any existing valid indebtedness by such city or town issued, whether bonded or floating, and the coupons due upon the bonded debt; and for this purpose they are hereby authorized and empowered to issue new bonds, in denomination of not less than fifty nor more than one thousand dollars, in their discretion, with interest coupons payable semi-annually at the office of the State Treasurer or at such other place as said boards of aldermen shall provide; said new bonds to become due and payable in not exceeding thirty years, and to bear such rate of interest, not exceeding six per cent per annum, as in their discretion may best subserve the purpose intended by this act.

Sec. 2. No compromise shall be made under the provisions of this act by which any debt shall be funded which is now barred by the statute of limitations, or which may be barred at the time of such compromise.

Sec. 3. The new bonds thus issued by any city or town shall be exempt from the payment of all taxes levied by such city or town, and the taxes levied to pay said new bonds may be paid in said bonds or coupons thereof if matured: Provided, That said coupons and bonds shall only be received in payment of taxes levied for the purpose of paying such bonds and coupons.

Sec. 4. That the mayor and board of aldermen shall cause to be prepared the necessary blank bonds to give effect to the provisions of this act, the cost of which shall be paid out of the treasurer [treasury] of such city or town; said bonds when issued by any city or town shall be signed by the mayor and attested by the secretary (or recorder if there be no secretary), with the seal of such city or town affixed; and such new bonds, whether issued by any city or town, shall be registered in the office of the State Comptroller.

Sec. 5. Such new bonds may be exchanged for the old bonds, or they may be sold and the proceeds applied to the purchase of such old bonds: Provided, That no delivery of such new shall take place unless a contract has already been entered into for the purchase of a corresponding amount of such old bonds: And provided further, No bonds issued under this act shall be sold at less than par, and each bond shall be made to bear the lowest rate of interest that will give a par value.

Sec. 6. That all laws now in force providing for the collection of taxes for the payment of the principal and interest of such existing bonds shall apply and be in force for the collection of taxes for the payment of the principal and interest of such new bonds: Provided, That the sinking fund may be used in the purchase and cancellation of such new bonds whenever the same can be bought at not more than their par value.

Sec. 7. The object and intention of this act being to enable the cities or towns in this State which have granted subsidy bonds to railroads or other works of internal improvement, or created any other indebtedness whatever, whether bonded or floating, to compromise the same, and thereby reduce the burden of taxation, it is hereby declared, as an inducement to the holders of said bonds to accept the compromise, that whenever such compromise shall be entered into and accepted in good faith either by the holders of the present bonds or by any persons purchasing such new bonds as provided in this act, that all laws now in force or which may hereafter be in force for the assessment and collection of the State taxes shall also be in force and apply to the assessment and collection of the taxes levied to meet the interest and sinking fund of said new bonds; and in any suits which may hereafter be instituted to enforce the payment of said new bonds or coupons against any such city or town, no defense either in law or equity shall be admitted in any of the courts of this State except such as originated upon or subsequent to the issuance of such new bonds.

Sec. 8. Whenever a collector of taxes shall neglect or refuse to collect the taxes levied for the payment of the interest and sinking fund of such new bonds, he shall be liable on his official bond, at the suit of any persons holding any of said bonds or coupons, for all such damages as said person or persons shall have sustained by reason of his neglect or refusal; nor shall such collector or his sureties be relieved of such liability by his resignation of the office; and whenever any person who may be elected collector of taxes of any city or town shall fail, neglect, or refuse to give the bond required



by law for the collection of such tax, or whenever the mayor and board of aldermen shall appoint any person who shall fail, neglect, or refuse to give said bond, or whenever they shall fail, neglect, or refuse to appoint some person who will give said bond and collect said tax, then it is hereby made the duty of the Governor to appoint some suitable person to collect said taxes, who shall perform all the duties required by this act or any other laws of this State relating to the collection of said taxes, from the term of his said appointment until the next general election.

Sec. 9. That whenever a compromise of the debt of any city or town shall be effected as hereinbefore provided, and the bonds are delivered to the creditors, a board of liquidation, consisting of five reputable citizens of such city or town, shall be appointed forthwith in the manner following: The mayor of the city or town shall appoint one, the Governor of the State shall appoint one, and the district judge of the district in which such city or town shall be situated shall appoint one, the city council of the city or town shall appoint one, and the holders of said indebtedness, or a majority of them, shall appoint one, and each shall fill vacancies in the office of their respective appointees in said board; and in case of failure, neglect, or refusal of any one or all of said officers to appoint a member of said board, or to fill vacancies therein, then the holders of said bonds, or any one or more of them, shall have the right to apply to the district court of the district in which such city or town shall be situated, or to the judge thereof in vacation, for the appointment of a member or members of said board necessary to complete the same, and it shall be the duty of said court or judge to make said appointment. The members of said board shall serve without compensation, and shall hold their offices for the term of four years and until their successors are appointed and qualified. Each member of said board shall take an oath to faithfully perform the duties of his office. A majority of the board shall constitute a quorum for the transaction of business. Said board, or a majority thereof, shall select some solvent depository for all moneys coming under their control, as hereinafter provided, and for whose acts they shall be responsible, and shall, in writing signed by them, notify the collector of taxes of said city or town of said selection. It shall thereupon become the duty of such collector to deposit at the close of business each day one-half of all moneys collected by him for the twenty-four hours next preceding on account of all the taxes of whatever nature levied by said city or town with the said depository, whose receipt therefor shall be an acquittance to said collector; and said collectors shall be liable on their official bonds for any failure to promptly make such deposits, and for ten per cent per month of such amounts and in addition thereto as penalty, which sums may be recovered by said board of liquidation in a suit therefor, and it shall be their duty to promptly institute such suits. But whenever the total of such deposits shall equal the annual interest on the said bonds it shall be lawful for such collector to discontinue said deposits until he shall be notified in writing by said board that said deposits are reduced below that sum. Said funds of cities or towns shall be subject to the order of said boards of liquidation, and shall be applied by them to the payment, first, of the interest on said bonds as the same matures, and, secondly, to the payment of the principal thereof. The members of said board shall be liable for the prompt payment of said interest out of said funds, and in case of failure or refusal they shall in addition be liable to ten per cent of the amount of such interest as damages, to be recovered by any person aggrieved thereby, in any court of competent jurisdiction. Whenever there shall be in the hands of such depositaries a sufficient sum

to pay two per cent of the principal of said bonds in addition to one and one-half years interest, it shall be the duty of said board of liquidation to use the same in the purchase of outstanding bonds as provided in section six of this act, which bonds when so purchased shall be cancelled, and shall, together with all coupons which have been paid, be returned to the council of the city or town. Expenses incurred by said board in advertising for purchase of bonds shall be paid out of said funds. Said boards shall make semi-annual report to the said councils of their acts and of all receipts and disbursements of moneys coming under their control.

Sec. 10. That any city or town so situated as is herein set forth, which fails to accomplish a compromise of its debts, or pending the negotiation of a compromise, shall be permitted, on its application setting forth its financial condition and insolvency, to have the district court of the county in which said city or town is situated take charge of the collection and appropriation of all taxes levied and assessed by said city or town, except so much thereof as is necessary to pay the current expenses of the city or town; and to that end said court, or the judge thereof in vacation, shall appoint a receiver, or may make the assessor and collector of said city or town its receiver, to collect and pay into a named depository all taxes levied by said city or town for the payment of its debts; and said courts shall decide all questions of priority between conflicting claimants of said funds, and shall provide for the ratable and equitable distribution of said funds among all creditors entitled thereto. But it shall not be lawful for any court to appoint a receiver of or concerning any city or town except upon the voluntary application of such city or town.

Sec. 11. That this act shall not be construed to repeal an act entitled "An Act to authorize counties, cities, and towns to scale and fund their indebtedness, and for raising means to pay the same," approved March 25, A. D. 1879, except in so far as said act may apply to bonds issued under an act entitled "An Act to authorize counties, cities, and towns to aid in the construction of railroads and other works of internal improvement," approved April 12, 1871, and to that extent it is hereby repealed; nor shall this act be construed to repeal an act entitled "An Act to authorize any county, city, or town in this State to compromise existing bonded indebtedness, and to issue new bonds to be sold or exchanged for this purpose, and to provide for the efficient collection of taxes to pay the principal and interest of such new bonds," approved April 18, 1879.

Sec. 12. The fact that compromises may be made under this bill at an early date, and that agreements to that effect are practically pending at this time, and of great importance, causes an emergency to exist which requires this act to take effect and be in force from and after its passage, and it is so enacted.

Sec. 13. The near approach of the close of the session creates an imperative public necessity and emergency demanding the suspension of the constitutional rule requiring a bill to be read on three several days, and such rule is hereby suspended.

[Note.—The foregoing act originated in the Senate, and passed the same by a vote of 26 yeas, 4 nays; and passed the House by a vote of 68 yeas, 3 nays.]

Approved, March 26, 1887.

**DIMINISHES THE JURISDICTION OF THE COUNTY COURTS OF ORANGE,  
CONCHO, TYLER, GREER, AND MASON COUNTIES.**

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| <p><b>Sec.</b></p> <p>1. Diminishes the jurisdiction of said county courts except in matters of probate, guardianship, etc.</p> <p>2. The duties of county and district court clerks in cases transferred from county court—Cases transferred to district courts shall be appearance cases.</p> | <p><b>Sec.</b></p> <p>3. Repealing clause.</p> <p>4. Emergency clause.</p> |
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**CHAP. 73.**—[S B. No. 149.] An Act to diminish the civil and criminal jurisdiction of the county courts of Orange, Concho, Tyler, Greer, and Mason Counties, and to conform the jurisdiction of the district courts of said counties to such change.

Section 1. Be it enacted by the Legislature of the State of Texas: That the county courts of Orange, Concho, Tyler, Greer, and Mason Counties shall have and exercise the general jurisdiction of probate courts; shall probate wills; appoint guardians of minors, idiots, lunatics, persons non compos mentis and common drunkards; grant letters testamentary; settle accounts of executors, administrators and guardians; transact all business pertaining to estates of deceased persons, minors, idiots, lunatics and persons non compos mentis and common drunkards, including the partition, settlement and distribution of estates of deceased persons; persons; and to apprentice minors as provided by law; and to issue all writs necessary to the enforcement of their jurisdiction; and to punish contempts under such provisions as are or may be provided by the general law governing county courts throughout the State; and to have and exercise general jurisdiction over questions of eminent domain as prescribed by law; but said county courts shall have no other jurisdiction, civil or criminal.

Sec. 2. It shall be the duty of the county clerks of Orange, Concho, Tyler, Greer, and Mason Counties, within twenty days after the passage of this act, to make a full and complete transcript of all orders on the dockets of the county courts of said counties, now pending in said courts, of those cases over which by the terms of this act exclusive jurisdiction is given to the district court, and to deliver said transcript, together with the original papers and a certified bill of the costs in each case, to the clerks of the district courts of Orange, Concho, Tyler, Greer, and Mason Counties, and said district clerk shall enter said cases on their dockets for trial by said district courts; and all process now issued and returnable to the county courts of Orange, Concho, Tyler, Greer, and Mason Counties, of which by this act the district courts have been given jurisdiction, shall be returnable to the district courts of said counties by the officers executing the same, and all cases transferred by this act shall stand as appearance cases in said district courts, and shall be tried by said district courts as other cases; and the district courts shall have and exercise all the civil and criminal jurisdiction heretofore vested in said county courts by the Constitution and laws and not divested by this act.

Sec. 3. That all laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 4. That in order to save much unnecessary trouble, inconvenience, and expense to the citizens of Orange, Concho, Tyler, Greer, and Mason Counties, an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days should be suspended, and it is so suspended, and this act shall take effect and be in force from and after its passage.

[Note.—The foregoing act originated in the Senate, and passed the same by a vote of 26 yeas, no nays; and passed the House by a vote of 71 yeas, 2 nays.]

Approved, March 26, 1887.

**DIMINISHES THE JURISDICTION OF THE COUNTY COURT OF BRAZOS COUNTY.**

**Sec.**

1. Defines the criminal and probate jurisdiction of the county court of Brazos County.
2. Provides that the county court shall have appellate jurisdiction of criminal and certain civil cases from magistrates courts.

**Sec.**

3. Confers jurisdiction on the district court of all causes which under the general laws the county court would have jurisdiction except as provided for in sections one and two of this act.
4. Duties of the county and district court clerks in all cases transferred by this act to the district court.
5. Repealing clause.

**CHAP. 74.—[S. B. No. 141.]** An Act to diminish the civil jurisdiction of the county court of Brazos County, and to conform the jurisdiction of the district court of said county to such change.

**Section 1.** Be it enacted by the Legislature of the State of Texas: That the county court of Brazos County shall have and exercise original jurisdiction of all misdemeanors of which exclusive original jurisdiction is not given to justices of the peace as the same are now or may hereafter be prescribed by law, and when the fine to be imposed shall exceed two hundred dollars; and it shall have and exercise the general jurisdiction of courts of probate; it shall have power and exercise jurisdiction to probate wills; appoint guardians of minors, idiots, lunatics, persons non compos mentis, and common drunkards; grant letters testamentary and of administration; settle the accounts of executors, administrators, and guardians; transact all business appertaining to estates of deceased persons, minors, idiots, lunatics, persons non compos mentis, and common drunkards, including the settlement, partition, and distribution of estates of deceased persons; and to apprentice minors as provided by law; and to issue all writs necessary for the enforcement of their jurisdiction; and to punish contempts under such provisions as are or may be provided by law; and said county court shall have no other original civil jurisdiction.

**Sec. 2.** Said county court shall have appellate jurisdiction in cases civil and criminal of which justices courts have original jurisdiction but of such civil cases only when the judgment of the court appealed from or the amount in controversy shall exceed twenty dollars exclusive of costs.

**Sec. 3.** That the district court of said Brazos County shall have and exercise general jurisdiction as heretofore provided by law, and in addition thereto said court shall have and exercise jurisdiction in all civil matters and causes over which by the general laws of the State the county court of said county would have jurisdiction, except as provided in sections one and two of this act; and that all cases other than such as are provided in sections one and two of this act be and the same are hereby transferred to the district court of said county; and all writs and process pertaining to civil cases heretofore issued by or out of said county court other than those relating to matters over which by sections one and two of this act jurisdiction is given to the county court of said county, be and the same are hereby made returnable to the term of the district court next ensuing after this act goes into effect.

**Sec. 4.** That the clerk of the county court of said county be and he is hereby required, within twenty days after this act goes into effect, to make a fair and complete transcript of all the entries on the civil docket of said county court theretofore made in cases which by section three of this act are transferred to the district court of said county, and file the same, together with the original papers of all said cases and proceedings, with the clerk of the district court of said county; and all such cases shall be docketed by the clerk of the district court of said county, and said cases shall stand on the docket of said district court for trial and disposition in the

order in which they are docketed; and for each of said transcripts the county clerk shall receive twenty cents per hundred words, and fifty cents for a certificate thereto, to be taxed as costs against the party cast in the suit.

Sec. 5. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved, March 26, 1887.

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#### STOCK LAWS.

Sec. 1. Amends Revised Statutes, Art. 4604, as to impounding trespassing stock; 4605, such stock shall not be sold where owners pay damages, etc.

CHAP. 75.—[H. B. No. 211.] An Act to amend Articles 4604 and 4605, Title 93, Chapter 4, of the Revised Statutes of the State of Texas, to provide for preventing certain animals from running at large in counties and subdivisions.

Section 1. Be it enacted by the Legislature of the State of Texas: That Articles 4604 and 4605 of the Revised Statutes of the State of Texas be so amended as to read as follows:

Article 4604. If any stock forbidden to run at large shall enter the enclosed lands, or shall, without being herded, roam about the residence, lots, or cultivated land of any person other than the owner of such stock, without his consent, in any county or subdivision in which the provisions of this chapter have become operative in the manner provided in the preceding articles, the owner, lessee, or person in lawful possession of such lands may impound said stock and detain the same until his fees and all damages occasioned by said stock are paid to him.

Article 4605. No animals shall be impounded unless they have entered upon the enclosed lands or shall be found roaming about the residence, lots, or cultivated land of another, and whenever any stock is impounded notice thereof shall at once be given to the owner, if known, and such owner shall be entitled to their possession upon payment of fees and damages.

Approved, March 26, 1887.

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#### GAMING.

Sec. 1. Prescribes punishment for keeping or exhibiting gaming table, etc.

CHAP. 76.—[S. B. No. 232.] An Act to amend Article 358, of Chapter 3, Title 11, of the Penal Code of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 358, of Chapter 3, Title 11, of the Penal Code of the State of Texas, be so amended as to read as follows:

Article 358. If any person shall keep or exhibit for the purpose of gaming any gaming table or bank of any name or description whatever, or any table or bank used for gaming which has no name, any pigeon-hole table or jenny-lind table, or nine or ten pin alley, table or alley of any kind whatever regardless of the number of pins, balls, or rings used, used for gaming,—and such pigeon-hole table or jenny-lind table, or nine or ten pin alley, table or alley of any kind whatever regardless of the number of pins, balls, or rings used, shall be considered as used for gaming if the table fees, or alley fees, or money, or anything of value is bet thereon,—or shall be in any manner interested in keeping or exhibiting any such table or bank, or nine or ten pin alley, table or alley of any kind whatever regardless of the

number of pins, balls, or rings used, at any place, he shall be punished by a fine of not less than twenty-five nor more than one hundred dollars and imprisonment in the county jail for not less than ten nor more than ninety days.

Approved, March 26, 1887.

## RAILROADS.

Sec.

1. Cars for shipping sheep, goats, hogs, and calves, shall be double-decked.

Sec.

2. Prescribes rates for double-decked cars and penalties for evading this act—Railroads can charge only half rate where a single-decked car is furnished.
3. Emergency clause.

CHAP. 77.—[H. B. No. 256.] An Act to compel railroad companies to provide double-decked cars for shipment of goats, sheep, hogs, and calves, and to prevent discrimination against shippers thereof, and to provide penalties therefor.

Section 1. Be it enacted by the Legislature of the State of Texas: That all railroad companies operating any railroad, or any part thereof, within the limits of this State, be and the same are hereby required to provide cars with double decks for the shipment of sheep, goats, hogs, and calves; that the said cars must be in every way as large as those now in use upon the respective railroads in this State; that the distance between the floor and the second deck shall be the same as the distance between said second deck and the roof; that the floor of said second deck shall be so constructed as to protect the animals beneath; and that said cars must be furnished by the railroad company to any person who shall offer to ship at one time hogs, sheep, goats, or calves, in carload lots.

Sec. 2. It shall not be lawful for any railroad company to charge more for shipping a double-decked carload of sheep, goats, hogs, or calves, than is charged for shipping a carload of other cattle or horses the same distance and in the same direction; and any railroad company that shall fail or refuse to furnish double-decked cars of the dimension prescribed in the preceding section, to any person who may wish to ship as much as a double-decked carload of sheep, hogs, goats, or calves, or shall charge more for shipping a double-decked carload of sheep, hogs, goats, or calves, than for shipping a carload of other cattle or horses for the same distance and in the same direction, shall be liable to pay to the owner or shipper of said sheep, hogs, goats, or calves, the sum of five hundred dollars as liquidated damages, to be recovered in any court of competent jurisdiction: Provided, That if railroad companies shall transport sheep, hogs, goats, and calves, on single-decked cars at one-half the price per carload charged for shipping horses or other cattle, then the penalties prescribed in this act for failure to provide double-decked cars shall be inoperative.

Sec. 3. The near approach of the close of the session and the great number of bills yet to be disposed of by this Legislature creates an imperative public necessity, and an emergency exists for the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is so suspended and this act placed upon its third reading and final passage, and it is so enacted.

Approved, March 20, 1887.

## COUNTY COMMISSIONERS.

Sec. 1. Prescribes oath of county judge and commissioners and bond of commissioners.

CHAP. 78.—[H. B. No. 330.] An Act to amend Article 1512, Chap. 1, Title 31, of the Revised Civil Statutes of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 1512, Chapter 1, Title 31, of the Revised Civil Statutes, be so amended as hereafter to read as follows:

Article 1512. Before entering upon the duties of his office the county judge and each commissioner shall take the oath of office prescribed by the Constitution, and shall also take an oath that he will not be directly or indirectly interested in any contract with or claim against the county in which he resides, except such warrants as may issue to him as fees of office, which oath shall be in writing, and taken before such officer authorized to administer oaths, and, together with the certificate of the officer who administered the same, shall be filed and recorded in the office of the clerk of the county court in a book to be provided for that purpose, and each commissioner shall execute a bond, with two or more good and sufficient sureties, to be approved by the judge of the county court of his county, in the sum of three thousand dollars, payable to the treasurer of his county, conditioned for the faithful performance of the duties of his office.

Approved, March 26, 1887.

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REGULATING THE SALE OF SPIRITUOUS AND OTHER INTOXICATING LIQUORS.

Sec. 1. Amends an act approved April 4, 1881, amendatory of Secs. 1 and 4 of an act approved March 11, 1881; also amends Secs. 5 and 8 of the act of March 11, 1881, concerning sale, etc., of intoxicating liquors.

CHAP. 79.—[H. B. No. 101.] An Act to amend "An Act to amend sections one (1) and four (4) of An Act to regulate the sale of spirituous, vinous, or malt liquors, or medicated bitters; to fix the rate of occupation taxes upon all persons, firms, or associations of persons engaged in the sale of spirituous, vinous, or malt liquors, or medicated bitters; to define the manner and time of collecting such tax, and to affix penalties for the failure to pay the same; and to repeal all laws and parts of laws in conflict with the provisions of this act, approved March 11, 1881," approved April 4, 1881; and to amend "An Act to regulate the sale of spirituous, vinous, or malt liquors, or medicated bitters; to fix the rate of occupation tax upon all persons, firms, or associations of persons engaged in the sale of spirituous, vinous, or malt liquors, or medicated bitters; to define the manner and time of collecting such tax, and to affix penalties for failure to pay the same; and to repeal all laws and parts of laws in conflict with the provisions of this act," approved March 11, 1881.

Section 1. Be it enacted by the Legislature of the State of Texas: That section four (4) of an act to amend sections one (1) and four (4) of an act entitled "An Act to regulate the sale of spirituous, vinous, or malt liquors, or medicated bitters; to fix the rate of occupation taxes upon all persons, firms, or associations of persons engaged in the sale of spirituous, vinous, or malt liquors, or medicated bitters; to define the manner and time of collecting such tax, and affix penalties for the failure to pay the same; and to repeal all laws and parts of laws in conflict with the provisions of this act, approved March 11, 1881," approved April 4, 1881; and that sections five (5) and eight (8) of An Act to regulate the sale of spirituous, vinous, or malt liquors, or medicated bitters; to fix the rate of occupation tax upon all persons, firms, or associations of persons engaged in the sale of spirituous, vinous, or malt liquors, or medicated bitters; to define the manner and time of collecting such tax, and to affix penalties for the failure to pay the same; and to repeal all laws and parts of laws in conflict with the provisions of this act, approved March 11, 1881, be so amended as to hereafter read as follows:

Section 4. Any person, firm, or association of persons desiring to engage in the sale of spirituous, vinous, or malt liquors, or medicated bitters capable of producing intoxication, shall, before engaging in such occupation, be required to enter into bond in the sum of five thousand dollars, with at least two good, lawful, and sufficient sureties, payable to the State of Texas, to be approved by the county judge, conditioned that said person, firm or association of persons so selling spirituous, vinous, or malt liquors or medicated bitters capable of producing intoxication, in quantities less than a quart, shall keep an open, quiet, and orderly house or place for the sale of spirituous, vinous, or malt liquors, or medicated bitters capable of producing intoxication; and that he or they will not sell or permit to be sold in his or their house or place of business, nor give, nor permit to be given, any spirituous, vinous, or malt liquors, or medicated bitters capable of producing intoxication, to any person under the age twenty-one years, or to a student of any institution of learning, or to any habitual drunkard, or to any person after having been notified in writing through the sheriff or other peace officer, by the wife, mother, daughter, or sister of the person, not to sell to such person; and that he or they will not permit any person under the age of twenty-one years to enter and remain in such house or place of business; and that he or they will not permit any games prohibited by the laws to be played, dealt, or exhibited in or about such house or place of business; and that he or they will not keep or permit to be kept, for profit, amusement, or other purposes, in or about his or their place of business, any nine or ten pin alley, pool table, bagatelle, pigeon-hole, or jenny-lind table, nor any other kind of table or device used for games of chance; and that he or they will not rent or let any part of the house or place in which he or they have undertaken to sell spirituous, vinous, or malt liquors, or medicated bitters capable of producing intoxication, in quantities less than a quart, to any person or persons, for the purpose of running or conducting any game or games prohibited by the laws of this State; and that he or they will not adulterate in any manner by mixing any drug with any intoxicating liquor of any kind; and that he or they will not knowingly sell or give away any impure or adulterated liquor of any kind; which said bond may be sued on at the instance of any person or persons aggrieved by the violation of its provisions, and such person shall be entitled to recover the sum of five hundred dollars as liquidated damages for each infraction of the conditions of such bond, and the said bond shall not be void on the first recovery, but may be sued on until the full penal sum named therein shall have been recovered. In addition to civil proceedings for individual injuries brought on said bond as above indicated, if any person, firm, or association of persons, shall violate any of the conditions of the bond herein required, it shall be the duty of the county and district attorneys, or either of them, to institute suit thereupon in the name of the State of Texas for the use and benefit of the county, and the amount of five hundred dollars as a penalty shall be recovered from the principals and sureties upon a breach of any of the conditions thereof; and whenever the first or subsequent bond, as required, is exhausted by suit at the instance of individuals or for the use of the county, a new similar bond shall be given and approved before the dealer shall have the right to further pursue his occupation as a retail liquor dealer; or in case suit is pending on any such bond, and the county or district attorney shall make and file an affidavit with the clerk of the county court that he believes the bond of the defendant will be exhausted by said suit, the clerk shall at once notify the liquor dealer thereof, and it shall be the duty of the retail liquor dealer within



twenty days from the time the bond is exhausted, or in other event within twenty days from the time the notice is given, to give a new bond similar to the bond first given, to be approved in the same way, and until such new bond is given and approved when it is required by this act, the retail liquor dealer shall not have the right to further pursue his occupation; and any person, firm, or association of persons who shall pursue his or their said occupation without giving the first bond or the new bond, as required by this act, shall be deemed guilty of a misdemeanor, and on conviction shall be fined the same amount provided for in cases where no license has been obtained. The provisions of this section shall not be so construed as to repeal or in any manner affect any penal laws now in force in this State concerning the unlawful sale of spirituous, vinous, or malt liquors, or medicated bitters capable of producing intoxication; nor shall they be construed as depriving any person, firm, or association of persons, who are now pursuing the occupation of selling spirituous, vinous, or malt liquors, or medicated bitters capable of producing intoxication, in any quantity, who have complied with the law regulating the same, from continuing the said pursuit or occupation for the full length of time for which license was obtained, and the law otherwise complied with. An open house in the meaning of this act is one in which no screen or other device is used or placed, either inside or outside of such house or place of business, for the purpose of or that will obstruct the view through the open door or place of entrance into any such house or place where intoxicating liquors are sold in quantities less than a quart. A quiet house or place of business in the meaning of this act is one in which no music, loud and boisterous talking, yelling, or indecent or vulgar language is allowed, used, or practiced, or any other noise calculated to disturb or annoy persons residing or doing business in the vicinity of such house or place of business, or those passing along the streets or public highways. By an orderly house is meant one in which no prostitute or lewd woman or women are allowed to enter or remain; and it is further provided that said house must not contain any vulgar or obscene pictures.

Section 5. The county clerks in the several counties in this State shall issue license to any person, firm, or association of persons engaged or desiring to engage in the sale of spirituous, vinous, or malt liquors, or medicated bitters capable of producing intoxication, upon payment by such person, firm, or association of persons of all occupation taxes herein levied for State purposes, and such additional occupation taxes as shall be levied by commissioners courts and by incorporated towns or cities, and also filing the bond required in section four of this act; the evidence of payment of all tax upon such occupation shall be the receipt of the county collector of taxes for such amount of tax as shall have been or may be assessed and collected for State and county purposes upon such occupation, and the receipt of the city collector of taxes for the amount of such tax paid any city or town wherein such business or occupation may be carried on. If any county clerk shall issue a license to any dealer in intoxicating liquors without first requiring the bond provided for in this act, he shall be fined not less than one hundred nor more than five hundred dollars. For issuing the license herein provided for, the county clerks shall be entitled to charge and receive a fee of twenty-five cents for each license so issued.

Section 8. The license required by this act shall be posted in some conspicuous place in the house where the business or occupation for which such license is necessary is carried on; and for a failure to so conspicuously post such license at or in such place of business, any person or any member of any firm or association of persons so failing shall be guilty of a misdemeanor,

and upon conviction thereof shall be fined in any sum not to exceed twenty-five dollars; and each day of such failure to so conspicuously post such license shall constitute a separate offense.

Approved, March 20, 1887.

## PUBLIC LANDS.

Sec.

1. Provides for sale of tracts containing not more than six hundred and forty acres situated in organized counties.
2. Application for, how made.
3. Surveyor, duties of, etc.
4. Surveyor, fees of.

Sec.

5. Purchaser shall pay for same at rate of two dollars per acre—Commissioner General Land Office to issue patent on receipt of certificate of payment.
6. Forfeiture by applicant for failing to pay therefor.
7. Saving clause.

CHAP. 80.—[S. B. No. 77.] An Act to provide for the sale of such appropriated public lands situated in the organized counties of the State of Texas as contain not more than six hundred and forty acres.

Section 1. Be it enacted by the Legislature of the State of Texas: That any person desiring to purchase any of such appropriated public lands situated in the organized counties of the State of Texas as contain not more than six hundred and forty acres, appropriated by "An Act to provide for the sale of a portion of the unappropriated public lands of the State of Texas, and the investment of the proceeds of such sale," approved July 14, A. D. 1879, may do so by causing the tract or tracts which such person may desire to purchase to be surveyed by the authorized public surveyor of the county in which such land is situated. The provisions of this act shall not be so construed as to prohibit the right of pre-emption within the bounds of the reservation here made; but any person shall have the same right of acquiring a homestead within this reservation, under the pre-emption laws of this State; as he may have had prior to the passage of this act.

Sec. 2. The person desiring to purchase any of said lands shall make application therefor in writing, describing the lands by reference to the surrounding surveys.

Sec. 3. It shall be the duty of the surveyor to survey the lands designated in said application within three months from the date thereof, and within sixty days after said survey to certify to, record, and map the field notes of said survey; and he shall also, within the said sixty days, return to and file the same in the General Land Office, together with the applications for the purchase thereof, as required by law in other cases.

Sec. 4. Surveyors shall be entitled to receive from applicants for the purchase of lands under the authority of this act, all legal surveyors' fees for work done by them.

Sec. 5. Within ninety days after the return to and filing in the General Land Office of the surveyor's certificate, map, and field notes of the land desired to be purchased, it shall be the right of the person who has had the same surveyed to pay, or cause to be paid, into the treasury of the State of Texas the purchase money therefor at two dollars per acre; and upon the presentation to the Commissioner of the General Land Office of the receipt of the State Treasurer for such purchase money, said Commissioner shall issue to said person a patent for the tract or tracts of land so surveyed and paid for.

Sec. 6. Should any applicant for the purchase of public land fail, refuse, or neglect to pay for the same within the time prescribed in section five of this act, he shall forfeit all rights thereto, and shall not thereafter be allowed to purchase the same, but such land so surveyed may be sold as if no survey had been made.

Sec. 7. Nothing in this act shall be so construed as to operate as a re-

peal of the reservations and donations of the lands referred to in this act to the free school and public debt funds made by former laws, but such reservations and donations shall be preserved intact, and the proceeds arising from the sale of the same under the provisions of this act shall go one-half to the permanent free schools and the other to the public debt fund.

Approved, March 29, 1887. -

## TWELFTH JUDICIAL DISTRICT.

Sec.	Sec.
1. Prescribes terms of court in the several counties comprised in said district.	[2.] Return of writs and process. [3.] Emergency clause.

CHAP. 81.—[S. B. No. 306.] An Act to amend an act entitled An Act to redistrict the State into judicial districts, and to provide for the election of judges and district attorneys of said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883.

Section 1. Be it enacted by the Legislature of the State of Texas: That Section 12, Chapter 67, of the Acts of the regular session of the Eighteenth Legislature (1883), be amended so as to hereafter read as follows:

Section 2 [12]. The Twelfth Judicial District shall be composed of the counties of Trinity, Walker, Grimes, Madison and Leon, and the district courts shall be held in said counties as follows:

In the county of Trinity on the first Monday in February, and may continue in session until the first Monday in March; and on the first Monday in August, and may continue in session four weeks.

In the county of Walker on the first Monday in March and September, and may continue in session four weeks.

In the county of Grimes on the fourth Monday after the first Monday in March and September, and may continue in session five weeks.

In the county of Madison on the ninth Monday after the first Monday in March and September, and may continue in session three weeks.

In the county of Leon on the twelfth Monday after the first Monday in March and September, and may continue in session until the business is disposed of.

Sec. 3 [2]. That this act may take effect and be in force from and after the first day of August, 1887; and that all writs and process, civil and criminal, heretofore issued, or which may be issued up to the time this act takes effect, by or from the district court of Trinity County, which is the only court affected by this act, and which are made returnable to the terms of said court as the same are now fixed by law, be and are made returnable to the terms of said court as fixed by this act in same manner as if this act took immediate effect.

Sec. 4. [3]. The near approach of the close of this session and the importance of the passage of this bill creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring this bill to be read on three several days, and the same is therefore suspended.

Approved, March 29, 1887.

NINTH JUDICIAL DISTRICT.

Sec.

1. Prescribes terms of court in the several counties composing said district.

Sec.

2. Writs and process, return of.

CHAP. 82.—[S. B. No. 259.] An Act to amend an act passed by the regular session of the Nineteenth Legislature entitled An Act to amend section nine of an act entitled An Act to redistrict the State into judicial districts, and fix the times of holding court therein, and to provide for the election of judges and district attorneys at the next general election to be held on the first Tuesday after the first Monday in November, 1884, passed at the regular session of the Eighteenth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas: That an act to amend section nine of an act entitled "An Act to redistrict the State into judicial districts, and fix the times of holding court therein, and to provide for the election of judges and district attorneys at the next regular election to be held on the first Tuesday after the first Monday in November, 1884," passed at the regular session of the Eighteenth Legislature, be amended so as to read as follows:

Section 9. The Ninth Judicial District shall be composed of the counties of Chambers, Liberty, Hardin, San Jacinto, Polk, and Angelina, and the district court therein shall be held as follows:

In the county of Chambers on the first Mondays in March and September, and may continue in session two weeks.

In the county of Hardin on the second Mondays after the first Mondays in March and September, and may continue in session three weeks.

In the county of San Jacinto on the sixth Mondays after the first Mondays in March and September, and may continue in session five weeks.

In the county of Polk on the thirteenth Mondays after the first Mondays in March and September, and may continue in session five weeks.

In the county of Angelina on the eighteenth Mondays after the first Mondays in March and September, and may continue in session four weeks.

In the county of Liberty on the twenty-second Mondays after the first Mondays in March and September, and may continue in session four weeks.

Sec. 2. All writs and process returnable to the district courts of the several counties mentioned in this act shall be returnable to the several terms of said courts respectively begun and holden under the provisions of this act, except as in this act is otherwise provided, and shall be as valid as if no change had been made in the times of holding said courts.

Approved, March 29, 1887.

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DISORDERLY HOUSE.

Sec. 1. More fully defines a disorderly house.

CHAP. 83.—[H. B. No. 129.] An Act to amend Article 339, Chapter 4, Title 10, of the Penal Code.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 339, Chapter 4, Title 10, of the Penal Code, shall be amended so as to read hereafter as follows:

Article 339. A disorderly house is one kept for the purpose of public prostitution, or as a common resort for prostitutes or vagrants, or to which persons resort for the purpose of smoking or in any manner using opium.

Approved, March 29, 1887.

## HOUSE OF CORRECTION AND REFORMATORY.

Sec.

1. A house of correction and reformatory shall be established.
2. Appointment of commissioners to select a site therefor; their duties, etc.
3. For the appointment of trustees; their term of office, duties, etc.
4. Qualifications and appointment of superintendent; his duties, etc.
5. More fully defining duties of superintendent and board of trustees.

Sec.

6. Inmates of, their ages, etc.
7. Judgment and sentence in felony cases where the defendant is found to be not more than sixteen.
8. Until the completion of said house, convicts shall be confined in the penitentiaries.
9. Provision for discharged convict.
10. Makes an appropriation for the purpose of establishing said house of correction.

CHAP. 84.—[H. B. No. 21.] An Act to establish a house of correction and reformatory, and to provide for its government and maintenance, and to make an appropriation therefor.

Section 1. Be it enacted by the Legislature of the State of Texas: There [That] there shall be established in this State a house of correction and reformatory for the confinement of youthful convicts.

Sec. 2. It shall be the duty of the Governor of the State, immediately after this act shall go into effect, to appoint three commissioners to select a site for said house of correction and reformatory, who shall make such selection with a view to its healthfulness, accessibility, wood and water supply, fertility of soil, and other advantages, and the same shall contain not less than six hundred and forty nor more than two thousand acres of land, and the same shall not be located in the vicinity of either of the penitentiaries now established, nor within two miles of any incorporated town or city. When a site has been selected for said house of correction and reformatory, as herein provided, and the price has been agreed upon, and such selection and the price have been approved by the Governor, it shall be the duty of the commissioners to purchase the same: Provided, The price does not exceed ten thousand dollars, to be paid for out of the appropriation provided for in this act. The title of the said property shall vest in the Governor of this State and his successors in office, for the use and benefit of said house of correction and reformatory. It shall be the duty of the trustees hereinafter provided for, to contract for and superintend the construction of such buildings and other improvements as may be necessary for the safe keeping, comfort, and profitable employment of the inmates confined therein; and in the construction of said buildings and improvements convict labor may be employed if deemed advisable in the interest of economy. Said commissioners shall each receive five dollars per day for the time they are actually employed in the selection and purchase of such site, and in addition thereto necessary traveling expenses in visiting different sections of the State to select an advantageous site for said house of correction and reformatory: Provided, Said commissioners shall not receive more than one hundred and fifty dollars and actual expenses: Provided further, That all the expenses mentioned in this act shall be paid out of the appropriation hereinafter made. The trustees hereinafter provided for shall employ a competent architect, at a salary not exceeding one hundred and fifty dollars per month, to prepare plans and specifications for the construction of said building, and to personally supervise and direct the erection of the same; and the trustees are authorized and empowered to audit the accounts of said supervising architect and contractors, and to pay the same by installments as the work progresses, by draft drawn on the Treasurer and approved by the Governor of this State.

Sec. 3. The house of correction and reformatory, when completed or ready for occupancy, shall be placed under the supervision, direction, and control of three trustees, to be appointed by the Governor, who shall hold their office for two years unless sooner removed by the Governor for cause;

and in case of vacancy the Governor shall fill such vacancy by appointment. They shall make such special rules and regulations as may be deemed proper for the same, having in view the reformation, education, and discipline as well as the profitable employment of the inmates confined in said house of correction and reformatory. They shall prescribe rules for the liberal commutation of time for good conduct. They shall see that said inmates are taught habits of industry and sobriety, some useful trade, and to read and write, and are also supplied with suitable books. In connection with said house of correction and reformatory there shall be established such mechanical industries as the board of trustees may deem proper and advisable, so that the inmates may be placed at such work in the discretion of the superintendent; and the trustees shall especially provide that the white and colored inmates shall be kept, worked, and educated separately. Said trustees shall employ all subordinate officers, prescribe their duties, and fix their compensation. Said trustees shall reside in the vicinity of said house of correction and reformatory, and shall each receive the sum of five hundred dollars per annum, to be paid quarterly upon sworn accounts approved by the Governor, upon which warrant shall be drawn by the Comptroller on the Treasurer for the same. Said trustees at their first meeting shall elect a treasurer and secretary from among their number. They shall keep full and accurate accounts of all receipts and disbursements as well as their official proceedings, and make quarterly reports thereof to the Governor.

Sec. 4. The Governor as soon as necessary shall appoint a superintendent of said house of correction and reformatory, whose duty shall be to enforce the rules and regulations made by said trustees, and to manage and control the inmates thereof under the supervision of said trustees, and subject to removal by the Governor. The superintendent shall be a competent business man and a practical farmer of good moral character and of humane disposition, who shall receive a salary of eighteen hundred dollars per annum, to be paid quarterly by warrant drawn by the president of the board of trustees on the Treasurer and approved by the Governor. He shall also be financial agent, and shall purchase all material and supplies and disburse all moneys that may be appropriated therefor; and shall sell all products raised and all articles manufactured by said inmates, and shall deposit the amounts realized on sale of same in the treasury of the State, and shall take a certificate of deposit therefor from the Treasurer. Before entering upon his office he shall give bond, with good and sufficient sureties, payable to the Governor and his successors in office, in the sum of ten thousand dollars, conditioned for the faithful performance of his duties as superintendent and financial agent, which bond shall be approved by the Governor and deposited with the Secretary of State before said superintendent shall enter upon the duties of his office. He shall be under the control of said trustees, and shall hold his office for a term of two years unless sooner removed for failure, neglect, or refusal to perform his duties.

Sec. 5. The said superintendent shall, at the end of each month, pay all employes, and shall also pay off and discharge all expenses incurred in the purchase of supplies and other necessary expenses in the support and maintenance as well as the conducting of said house of correction and reformatory. He shall also purchase such necessary work stock, milk cows, and stock hogs, farm implements, and also necessary tools for shops and books for educational purposes, all of which amounts shall be duly itemized, verified by affidavit, presented to the board of trustees, and when approved by said board the president of the board shall draw his warrant in favor of

said superintendent for the amount, which, when approved by the Governor, shall be paid by the Treasurer of the State.

Sec. 6. In said house of correction and reformatory shall be confined all convicts under the age of sixteen years who may be in the penitentiaries of this State and whose unexpired term of prison sentence may be five years or less, and all the persons under sixteen years of age who shall hereafter be convicted of a felony in any court in this State whose term of confinement shall not exceed five years: Provided, Said convicts confined in the house of correction and reformatory shall be required to wear such uniform as may be adopted by the board of trustees: Provided, No uniform shall be prescribed similar to that now worn by the convicts in the penitentiaries. It shall be the duty of the Governor, upon the recommendation of the board of trustees and superintendent of said house of correction and reformatory, for good behavior and exemplary moral conduct during confinement, to restore to such convicts all their legal rights at the expiration of their respective terms of servitude. When said house of correction and reformatory is ready to receive inmates, it shall be the duty of the superintendent of the penitentiaries of this State to report to the Governor the number of convicts in said penitentiaries under the age of sixteen years, and the Governor shall, by his proclamation, order all such convicts transferred from the penitentiaries to said house of correction and reformatory, where such convicts shall serve out the remainder of their sentence under the rules and regulations of said house of correction and reformatory.

Sec. 7. When, upon the trial and conviction of any person in this State of a felony, it is found by the verdict of the jury that the defendant is not more than sixteen years of age, and the verdict of conviction is by confinement for five years or less, the judgment and sentence of the court shall be that the defendant be confined in the house of correction and reformatory (instead of the penitentiary) for the term of his or her sentence, and that such defendant be conveyed to the house of correction and reformatory by the proper authority, and there confined for the period of his or her sentence; and for such service such officer shall be paid the same fees he would be allowed for carrying such convicts to the penitentiary.

Sec. 8. Until the completion of the house of correction and reformatory, all convicts now in the penitentiaries of the State, or who may be convicted before that time and by the terms of this act are subject to imprisonment in said house of correction and reformatory, shall be confined in the penitentiary, and shall be subject to the rules and regulations of said penitentiary.

Sec. 9. Upon the discharge of any person so committed to said house of correction and reformatory, the superintendent shall provide them with a suit of suitable clothing and five dollars in money, and procure transportation for them to their homes, if resident of this State, or to the county in which they may have been convicted, at his option.

Sec. 10. That the sum of fifty thousand dollars, and all receipts from farm products and manufactured articles raised or manufactured in said house of correction and reformatory, or so much thereof as may be necessary, be and the same is hereby appropriated for the purpose of establishing the house of correction and reformatory herein provided for, to be paid on vouchers or warrants drawn by the commissioners or board of trustees on the Comptroller of Public Accounts, which shall be sufficient authority to the State Treasurer for the payment of the same: Provided, That not more than forty thousand dollars of this appropriation shall be expended in the building and equipment of said house of correction and reformatory.

Approved, March 29, 1887.

TAXATION.

Sec.

1. Amends Article 4761, as to payment  
of taxes into State Treasury.

Sec.

2. Emergency clause.

CHAP. 85.—[S. B. No. 188.] An Act to amend An Act to amend Article 4761 of the Revised Civil Statutes of the State of Texas, approved April 24, 1879.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 4761 of the Revised Civil Statutes shall hereafter read as follows:

Article 4761. The collectors of taxes shall, at the close of each month, pay over to the State Treasurer all moneys collected by them during the month, for the State, excepting such amounts as they are allowed by law to pay in the counties, reserving only their commissions on the same; and to enable them to do so, they may, at their own risk, secure and send the same to the Treasurer by express, or in postoffice orders, at not more than the usual rate of exchange, to be paid by the State; that the collectors of taxes shall pay over to the State Treasurer all balances in their hands belonging to the State, and finally adjust and settle their accounts with the Comptroller on or before the first day of May of each year; that the Treasurer, whenever he may receive from the collectors of taxes postoffice orders, shall collect the same and pay the money so collected into the treasury on the deposit warrant of the Comptroller, and the money when so deposited shall be a credit to the tax collector. It shall be the duty of the Comptroller to enforce a strict observance of the provisions of this article, but no public moneys shall be paid to the Comptroller except such as are made payable directly to him as collector of the same under existing statutes, and expressly provided by law to be paid to him as receiver of taxes; and in addition to the reports required by law to be made by tax collectors, they shall make a monthly statement under oath, on forms to be provided by the Comptroller, showing the amounts collected each month and the funds to which they belong. Any collector of taxes failing to comply with the provisions of this article shall be fined in a sum not less than five hundred and not more than one thousand dollars, and each failure to make the required report shall constitute a separate offense; and it shall be the duty of the Comptroller to notify the county attorney, or district attorney, of the county in which the collector resides, and the sureties on the bond of said collector, of any failure to comply with the provisions of this law.

Sec. 2. The necessity for the passage of this bill, and the near approach of the close of the present session of the Legislature, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted, and that this act take effect and be in force from the passage, and it is so enacted.

[Note.—The foregoing act originated in the Senate, and passed the same by a vote of 26 yeas, no nays; and passed the House by a vote of 75 yeas, 1 nay.]

Approved, March 30, 1887.



## JUDICIAL DISTRICTS—SEVENTEENTH AND FORTY-THIRD.

Sec.

1. Constitutes Tarrant County a judicial district, and fixes terms of court.
2. Defines Forty-third Judicial District, and fixes terms of court therein.

Sec.

3. Governor shall appoint judge in the Forty-third Judicial District.
4. For return of process.
5. Repealing clause.
6. Emergency clause.

CHAP. 86.—[S. B. No. 329.] An Act to amend an act to amend an act entitled An Act to redistrict the State into judicial districts and fix the times for holding courts therein and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved April 9th, 1883, approved March 24th, 1885; to create the Forty-third Judicial District of the State of Texas, fix the times for holding court therein, and provide for the appointment of a district judge for said district.

Section 1. Be it enacted by the Legislature of the State of Texas: That Section 17 of the above recited act be amended so as hereafter to read as follows:

Section 17. The county of Tarrant shall constitute the Seventeenth Judicial District, and court shall be begun and held therein as follows:

On the second Mondays in January, May, and September, and may continue in session until the business is disposed of: Provided, The terms beginning on the second Monday in May shall run to the first Monday in July.

Sec. 2. The counties of Parker, Wise, and Jack shall constitute the Forty-third Judicial District, and court shall be begun and holden therein as follows:

In the county of Parker on the second Mondays in May and November of each year, and may continue in session eight weeks;

In the county of Jack on the eighth Monday after the second Mondays in May and November of each year, and may continue in session four weeks;

In the county of Wise on the twelfth Monday after the second Mondays in May and November of each year, and may continue in session six weeks.

Sec. 3. That immediately after the passage of this act the Governor shall appoint a suitable person as judge of the Forty-third Judicial District, who shall hold his office until the next general election held for State and county officers, and until his successor shall be elected and qualified.

Sec. 4. All process heretofore issued, or served, returnable in any of the counties of said judicial districts as heretofore prescribed by law, shall be considered returnable at the times herein prescribed, and all such process is hereby legalized and validated as if the same had been made returnable at the times herein prescribed.

Sec. 5. That all laws and parts of laws in conflict with this act are hereby repealed.

Sec. 6. The near approach of the close of the present session of the Legislature, and the great need for the changes in the judicial districts mentioned in this act, creates an imperative public necessity and emergency that requires that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended; and that this act take effect from its passage, and it is so enacted.

[Note.—The foregoing act originated in the Senate, and passed the same by a vote of 22 yeas, no nays; and passed the House by a vote of 83 yeas, 2 nays.]

Approved, March 30, 1887.

JUDICIAL DISTRICTS—SIXTEENTH DISTRICT.

Sec.

1. Prescribes the terms of court in several counties of said district.

Sec.

2. Emergency clause.

CHAP. 87.—[S. B. No. 328.] An Act to amend an act to amend an act entitled An Act to amend Section 16 of an act entitled "An Act to redistrict the State into judicial districts, and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884," approved April 9th, 1883, approved March 30th, 1885.

Section 1. Be it enacted by the Legislature of the State of Texas: That Section 16 of the above recited act be amended so as hereafter to read as follows:

Section 16. The Sixteenth Judicial District shall be composed of the counties of Denton, Montague, and Cooke, and the district court shall be held therein as follows:

In the county of Denton on the first Mondays in January and the second Mondays in July, and may continue in session six weeks.

In the county of Montague on the twelfth Mondays after the first Mondays in January and second Mondays in July and may continue in session four weeks.

In the county of Cooke on the sixteenth Mondays after the first Mondays in January and the second Mondays in July, and may continue in session until the business is disposed of.

Sec. 2. The necessity for the passage of this bill and the near approach of the close of the present session of the Legislature creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted, and that this act take effect and be in force from its passage, and it is so enacted.

[Note.—The foregoing act originated in the Senate, and passed the same by a vote 23 yeas, no nays; and passed the House by a vote of 79 yeas, no nays.]

Approved, March 30, 1887.

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VENUE OF SUITS.

Sec. 1. Prescribes the venue in suits for breach of warranty of title.

CHAP. 88.—[S. B. No. 250.] An Act to amend Chapter 4, Title 29, of the Revised Civil Statutes of the State of Texas, by adding thereto Article 1199a, so as to define the venue of suits upon breach of warranty of title to lands.

Section 1. Be it enacted by the Legislature of the State of Texas: That Chapter 4, Title 29, of the Revised Civil Statutes of the State of Texas, be amended by adding thereto Article 1199a.

Article 1199a. In breach of warranty of title to lands, where the vendors liable thereon live in different counties, the plaintiff may bring his action in any county where either of such vendors reside, and join all other vendors in one and the same suit.

Approved, March 30, 1887.

## RAILROADS.

Sec.

1. Repeals act of April 18, 1879, requiring railroad companies to stop their trains at State boundary lines.

Sec.

2. Emergency clause.

CHAP. 89.—[H. B. No. 559.] An Act to repeal Chapter 95 of the General Laws of the State of Texas, passed at the regular session of the Sixteenth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas: That Chapter 95 of the General Laws of the State of Texas passed at the regular session of the Sixteenth Legislature, being an act approved April 18, 1879, and entitled "An Act requiring railroad companies to stop their trains at the boundary lines of the State of Texas for a certain length of time," be and the same is hereby repealed.

Sec. 2. The evils designed to be remedied by this act are of a character so serious as to create an emergency and an imperative public necessity for this act to take effect and be in force from and after its passage, and the near approach of the close of the session makes it an imperative public necessity that the rule requiring this bill to be read on three several days be suspended, and it is therefore so enacted.

[Note.—The foregoing act originated in the House, and passed the same by a two-thirds vote; and passed the Senate by a vote of 27 yeas, 2 nays.]

Approved, March 30, 1887.

## UNLAWFULLY SELLING INTOXICATING LIQUORS.

Sec.

1. Amends reading of Art. 378, Chap. 6, Title 11, of Penal Code, and adds thereto Articles 378a, 378b, 378c, 378d, 378e.

Sec.

2. Emergency clause.

CHAP. 90.—[S. H. B. No. 257.] An Act to amend Article 378, Chapter 6, Title 11, of the Penal Code of the State of Texas, and to add Articles 378a, 378b, 378c, 378d, and 378e, to said chapter and title, prohibiting the unlawful selling of intoxicating liquors, and defining and prohibiting blind tigers, and providing rules of evidence and penalties therefor.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 378 of the Penal Code be amended so as to hereafter read as follows; and that Title 11, Chapter 6, be amended by adding thereto Articles 378a, 378b, 378c, 378d, and 378e, which shall read as follows:

Article 378. If any person shall sell any intoxicating liquor in any county, justices precinct, city, or town in which the sale of intoxicating liquor has been prohibited under the laws of this State, or if any person shall give away any intoxicating liquor in any such county, justices precinct, city, or town with the purpose of evading the provisions of said laws, he shall be punished by fine of not less than twenty-five nor more than one hundred dollars, and by imprisonment in the county jail for not less than twenty nor more than sixty days.

Article 378a. The preceding article shall not apply to the sale of wines for sacramental purposes, nor to alcoholic stimulants as medicines in cases of actual sickness, but such stimulants shall only be sold upon the prescription of a regular practicing physician, dated and signed by him, and certified on his honor that he (the physician) has personally examined the applicant (naming him) and that he finds him actually sick and in need of the stimulant prescribed as a medicine: Provided, That a physician who does not follow the profession of medicine as his principal and usual calling, or who

is in any way directly or indirectly engaged in the sale of such stimulants, on his own account, or as the agent, employe, or partner of others, shall not be authorized to give the prescription provided for in this article: And provided further, That no person shall be permitted to sell more than once on the same prescription, or upon a prescription which has been cancelled, nor on a prescription which is not dated, signed, and certified as above required: Provided, That every person selling such stimulants upon the prescription herein provided for, shall cancel such prescription by endorsing thereon the word "cancelled," and file the same away.

Article 378b. It shall be the duty of any person who sells any intoxicating liquor upon the prescription provided for in Article 378a, to write across the face of the prescription, with ink, the word "cancelled," and for any failure to do so he shall be punished by a fine of not less than twenty-five nor more than one hundred dollars; and if any person shall sell any intoxicating liquor upon the prescription provided for in Article 378a, and shall permit the same to be drank at the place or establishment where sold, or at any other place provided for that purpose by such person, he shall be punished by fine of not less than twenty-five nor more than one hundred dollars.

Article 378c. If any person who is not a regular practicing physician shall give a prescription to be used in obtaining any intoxicating liquor in any county, justices precinct, city or town, in which the sale of intoxicating liquor has been prohibited under the laws of this State; or if any practicing physician who is directly or indirectly, either for himself or as the agent or employe of another interested in the sale of intoxicating liquor, shall give a prescription to be used in obtaining any intoxicating liquor in any such county, justice precinct, city or town; or if any physician shall give a prescription to be used in obtaining any intoxicating liquor in any such county, justices precinct, city or town, to any one who is not actually sick, and without a personal examination of such person, he shall be punished by a fine of not less than twenty-five nor more than one hundred dollars, and by imprisonment in the county jail not less than twenty nor more than sixty days.

Article 378d. If any person shall keep or run, or shall be in any manner interested in keeping or running, a blind tiger in any county, justice precinct, city, or town in which the sale of intoxicating liquor has been prohibited under the laws of this State, he shall be punished by confinement in the county jail not less than two nor more than twelve months, and by fine of not less than one hundred nor more than five hundred dollars. Each and every day such blind tiger is run or kept shall be a separate offense. A "blind tiger," within the meaning of this article, is any place in which intoxicating liquors are sold by any device whereby the party selling or delivering the same is concealed from the person buying or to whom the same is delivered. Upon complaint being filed with any justice of the peace, describing the place where any "blind tiger" is kept or run, such justice shall issue his warrant directed, and commanding the sheriff or any constable of his county to search such place, and if the law is being violated to arrest the persons so violating it; and it shall be the duty of the officer to whom such warrant is delivered to search the place described in the warrant, and to arrest and bring before the justice who issued the writ all persons found by him therein; and if admission into said place is refused, the officer executing said warrant is hereby authorized to force open the same. In prosecutions under this article, where it is proven that there is posted up at the place where such blind tiger is kept or run, United States internal revenue liquor or malt license, to any one it shall be prima facie proof

that the person to whom such license is issued is keeping and running such blind tiger.

Article 378e. When the sale of intoxicating liquor has been prohibited in any county, justice precinct, city, or town, the repeal of such prohibition shall not exempt from punishment any person who may have offended against any of the provisions of the law while it was in force, and the fact that a person purchases intoxicating liquor from any one who sells it in violation of the provisions of this chapter shall not constitute such person an accomplice.

Sec. 2. The near approach of the end of the session and the great number of bills pending creates an emergency, and an imperative public necessity exists for the suspension of the rule requiring that bills be read on three several days, and it is so enacted.

Approved March 30, 1887.

#### RAILROADS—PAYMENT OF EMPLOYEES.

Sec. 1. Railroad companies shall promptly pay employees—Measure of damages for failure to comply with this act.

CHAP. 91.—[H. B. No. 31.] An Act to require railroads to pay their employees promptly, and prescribing a penalty for failure to pay them.

Section 1. Be it enacted by the Legislature of the State of Texas: That whenever any railroad company shall discharge any employee, or whenever the time of service of any employee of a railroad company shall expire, or whenever any railroad company shall be due and owing any employee, such railroad company, upon such discharge, or upon the termination of the term of such service, or upon the maturity of such indebtedness, shall, within fifteen days after demand therefor upon the nearest station agent of said railroad company, pay to such employee the full amount due and owing him; and in case said railroad company fails or refuses to pay such employee, then it shall be liable and pay to such employee twenty per cent on the amount due him, as damages, in addition to the amount so due, in no case the damages to be less than five nor more than one hundred dollars.

Approved, March 30, 1887.

#### RAILROADS—TO PREVENT THE DETENTION OF TRAINS.

Sec.

1. Prescribes penalty for interfering with the running of trains.

Sec.

2. Constitutes each day train is prevented a separate offense.

3. Prescribes penalty for injuring locomotives, etc.

CHAP. 92.—[H. B. No. 112.] An Act to prevent the detention of any railroad passenger train, freight train, or construction train running upon any railroad in this State, or any injury thereto, or to the track or other property of any railroad in this State, and to prescribe the punishment therefor.

Section 1. Be it enacted by the Legislature of the State of Texas: That any person or persons who shall, by force, threats, or intimidation of any kind whatever, against any railroad engineer or engineers, or any conductor, brakeman, or other officer or employee, employed or engaged in running any passenger train, freight train, or construction train running upon any railroad in this State, prevent the moving or running of said passenger, freight or construction train, shall be deemed guilty of an offense, and upon conviction thereof each and every person so offending shall be fined in a sum: not less than one hundred dollars nor more than five hundred dollars,

and also imprisoned in the county jail for any period of time not less than three months nor more than twelve months.

Sec. 2. Each day said train or trains mentioned in section one of this act are prevented from moving on their road as specified in section one of this act, shall be deemed a separate offense, and shall be punished as prescribed in section one of this act.

Sec. 3. Any person who shall wilfully injure any railroad, locomotive-engine, or tender, or baggage, passenger, or freight car, of any railroad in this State, so as to prevent the use of the same, shall be punished by fine in any sum not less than one hundred dollars, and imprisoned in the county jail not less than three nor more than twelve months.

Approved, March 30, 1887.

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### ESTATES OF DECEDENTS.

Sec.

1. Amount of allowance to widow and minor children.

Sec.

2. Emergency clause.

CHAP. 93.—[S. B. No. 122.] An Act to amend Article 1985, Chapter 17, Title 37, of the Revised Civil Statutes of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 1985 of the Revised Civil Statutes of the State of Texas be so amended as to hereafter read as follows:

Article 1985. Such allowance shall be of an amount sufficient for the maintenance of such widow and minor children for the term of one year from the time of the death of the testator or intestate, and such allowance to be fixed with regard to the facts existing during the first year after the death of such testator or intestate: Provided, That in no case shall such allowance exceed one thousand dollars.

Sec. 2. The near approach of the close of the session creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended.

Approved, March 30, 1887.

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### JUDICIAL DISTRICTS—TWENTY-NINTH.

Sec.

1. What counties compose said district.

2. Return of writs and process.

Sec.

3. Repealing clause.

4. Emergency clause.

CHAP. 94.—[S. B. No. 342.] An Act to designate what counties shall compose the Twenty-ninth Judicial District of the State of Texas, and to fix the times of holding court therein.

Section 1. Be it enacted by the Legislature of the State of Texas: That the Twenty-ninth Judicial District shall be composed of the counties of Palo Pinto, Hood, Somervell, Erath, Hamilton, and Coryell, and terms of the district court shall be held therein each year as follows:

In the county of Palo Pinto on the first Mondays in March and September, and may continue in session two weeks.

In the county of Hood on the third Mondays in March and September, and may continue in session three weeks.

In the county of Somervell on the fifth Mondays after the first Mondays in March and September, and may continue in session two weeks.

In the county of Erath on the seventh Mondays after the first Mondays in March and September, and may continue in session four weeks.

In the county of Hamilton on the eleventh Mondays after the first Mondays in March and September, and may continue in session three weeks.

In the county of Coryell on the fourteenth Mondays after the first Mondays in March and September, and may continue in session until the business is disposed of.

Sec. 2. All writs, process, and bonds, civil and criminal, which may be issued or executed up to the time this act takes effect, by or from the district courts of the several counties above named, or under order of said courts, and made returnable to the terms of said courts as they are now fixed by law, shall be returnable to the next ensuing terms of said courts in each county as they are prescribed by this act; and all such writs, process, and bonds above mentioned, are hereby legalized and validated to all intents and purposes as if the same had been made returnable to the term of said courts as the terms thereof are herein prescribed.

Sec. 3. That this act take effect and be in force from and after the thirty-first day of July, A. D. 1887, and that all laws in conflict herewith be and the same are hereby repealed.

Sec. 4. The near approach of the close of the present session of the Legislature makes it improbable that this bill could be regularly reached and passed, and an emergency is created, and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

Approved, March 30, 1887.

#### COMMISSION OF ARBITRATION AND AWARD.

##### Sec.

1. Appointment, qualification, term, salary, etc., of commissioners.
2. Shall have power to hear and determine cases pending in Supreme Court referred thereto by written consent of parties.
3. The commissioners' award, in cases referred by consent, to become judgment in the Supreme Court—Supreme Court shall make orders necessary to render said award effective.
4. Opinions in cases transferred by consent shall not be reported—Shall have the force of res adjudicata, but not of stare decisis, unless otherwise determined by the Supreme Court.
5. The Supreme Court may refer cases to said commission—Notice to parties in such cases, etc.
6. Opinion, etc., by the commission in such cases shall be submitted to the Supreme Court with record, etc.

##### Sec.

7. Opinions of commission in referred cases, when adopted, shall be published as opinions of the Supreme Court.
8. Costs, etc., in cases referred to the commission.
9. The commission may appoint clerk—Clerk fees—Prescribing the sessions thereof, etc.
10. Prescribes the form of seal to be used by said commission.
11. Commission shall have power to issue writs of certiorari, etc., and to punish for contempt.
12. Rules of procedure and practice in the Supreme Court shall apply in the commission.
13. Appropriates \$20,500 to pay the salaries of commissioners.
14. Commission to be discontinued when.
15. Emergency clause.

CHAP. 95.—[S. B. No. 281.] An Act to create a commission of arbitration and award, and define the powers and duties thereof, and to make an appropriation to pay the salaries of the judges thereof.

Section 1. Be it enacted by the Legislature of the State of Texas: That a commission of arbitration and award, to consist of three persons, learned in the law, to be appointed by the Governor, by and with the advice and consent of the Senate, if in session, who shall hold their offices for two years from the first day of April, A. D. 1887, and receive for their services the same salaries as judges of the Supreme Court of the State of Texas, be and the same is hereby created, to be styled the "Commission of Appeals of the State of Texas." In case of a vacancy on said commission by the death or resignation of any member thereof during the vacation of the Legislature, it shall be the duty of the Governor to fill the same by appointment, and the person so appointed shall continue in office until the next regular session of the Legislature after the appointment.

Sec. 2. Said commission shall have the power to hear and pronounce

award upon all civil cases now or hereafter pending in the Supreme Court, wherein the parties or their attorneys may file consent in writing to the reference thereof to said commission.

Sec. 3. Said commission shall report its conclusions or award to the Supreme Court in the cases so referred, and may accompany the same with a brief synopsis of the case and their opinion thereon; and the conclusion or award aforesaid shall be and become the judgment of the said Supreme Court, and said court shall make and render such further order, judgment, or decree thereon as may be necessary or proper to make said award effective.

Sec. 4. The opinion of said commission in the cases so referred to it by consent, in writing, shall not be published in the reports of the decisions of the Supreme Court, nor shall the same have any further or other effect than to determine the particular cause wherein rendered, and shall have no force or effect or authority as precedent in other causes, unless otherwise decided by the Supreme Court.

Sec. 5. The Supreme Court is hereby authorized and empowered to refer to said Commission of Appeals of the State of Texas any case or cases now or hereafter pending before said court, for examination and report thereon; and it shall be the duty of said Supreme Court, in order to relieve the docket of said court of the great number of cases now encumbering it, from time to time to refer to said Commission of Appeals so many of said cases now or hereafter pending in said court as may be reasonably considered and acted upon by the same at the several sessions thereof, having respect in such reference to the length of time such cases have been pending as well as to promote an early disposition of the cases on the docket: Provided, That when any case is referred by the Supreme Court to said Commission of Appeals, the counsel for both parties shall have notice thereof, and shall have the right to be heard upon same as if said cause were tried by the Supreme Court, and said Commission of Appeals shall make rules regulating the hearing of causes submitted to them.

Sec. 6. When said Commission of Appeals have considered and determined upon the proper disposition of any case referred to the same, according to Section 5 of this act, their opinion shall be submitted, together with a brief synopsis of the case, to the Supreme Court, and the record shall be returned therewith; the reports so made may be used by said Supreme Court to facilitate it in reaching a conclusion upon the law and facts of the case.

Sec. 7. The opinion of said Commission of Appeals in cases referred to it by the Supreme Court, when adopted by said court, shall be published as the opinion thereof, as in other cases.

Sec. 8. In cases referred to the Commission of Appeals under this act the papers shall not be refiled in said commission, and only such additional costs as may be essential to carry into effect the provisions hereof shall be incurred by the parties to such cases by reason of the reference thereof.

Sec. 9. Said commission shall hold its sessions at the same times and places as the Supreme Court, and may appoint one clerk, if necessary, and if no such clerk be appointed the duties of that office shall be performed by the clerks of the Supreme Court at the different branches thereof, who shall receive in either case the same fees as are allowed by law to the clerks of the Supreme Court for like services.

Sec. 10. Said commission shall have a seal, being a star with five points and the words "Commission of Appeals of the State of Texas" around the same. Regular dockets and minutes of all proceedings by or before said commission shall be kept, and the records and proceedings thereof shall



be entitled to the same verity as are records and proceedings of courts of record, and all cases shall be docketed in the order in which they are transferred or referred by the Supreme Court.

Sec. 11. Said commission shall have the right to issue writs of certiorari to perfect the record, and such process as the Supreme Court might issue to make parties, and shall have the power to punish for contempt.

Sec. 12. All laws and rules regulating practice and procedure in the Supreme Court shall be of force in the practice and proceedings of said commission so far as the same are applicable, and all applications for rehearing in cases referred to said commission by consent in writing shall be made before and determined by the commission.

Sec. 13. The sum of twenty thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, for the payment of the salaries of the judges of said commission for the period ending March, A. D. 1889.

Sec. 14. This act shall become inoperative and the terms of all officers appointed hereunder shall cease whenever by the adoption of an amendment to the judiciary article of the Constitution, or by legislation under such newly adopted amendment, the number of judges of the Supreme Court may be increased.

Sec. 15. Whereas the near approach of the close of the present session of the Legislature, and the limited time allowed to legislation, and an imperative public necessity exists for the suspension of the constitutional rule requiring bills to be read on three several days, and it is hereby enacted that said rule is suspended; and the fact that the accumulation of business in the Supreme Court is so great as to prevent, in ordinary course, that speedy determination to litigation which is essential to justice, creates an emergency that requires this act to take effect at once, and it is therefore enacted that this act shall take effect and be in force from and after its passage.

[Note.—The foregoing act originated in the Senate, and passed the same by a vote of 25 yeas, 1 nay; and passed the House by a vote of 52 yeas, 19 nays.]

Approved, March 30, 1887.

#### DESCENT AND DISTRIBUTION.

Sec.

1. Amends rule as to distribution of community estate.

Sec.

2. Emergency clause.

CHAP. 96.—[S. B. No. 5.] An Act to amend Article 1653, of Title 33, of the Revised Civil Statutes of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 1653, of Title 33, of the Revised Civil Statutes of the State of Texas, be so amended as to read hereafter as follows:

Article 1653. Upon the dissolution of the marriage relation by death, all property belonging to the community estate of the husband and wife shall go to the survivor, if there be no child or children of the deceased or their descendants; but if there be a child or children of the deceased, or descendants of such child or children, then the survivor shall be entitled to one-half of said property, and the other half shall pass to such child or children or their descendants. But such descendants shall inherit only such portion of said property as the parent through whom they inherit would be entitled to if alive.

Sec. 2. That an imperative public necessity and emergency exists that

this act take effect at once; it is therefore enacted that this act take effect and be in force on and after its passage.

[Note.—The foregoing act originated in the Senate, and passed the same by a vote of 25 yeas, no nays; and passed the House by a vote of 93 yeas, 2 nays.]

Approved, March 30, 1887.

## COUNTIES, CITIES, AND TOWNS—CONCERNING DEBTS OF.

Sec.

1. Counties, cities, and towns may compromise indebtedness contracted on account of building railroads, etc., but not debts barred by limitations.
2. New bonds may be sold and proceeds applied to extinguishment of outstanding debts or exchanged for old bonds.
3. Commissioners court shall enter an order or city council shall adopt an ordinance for the issuance of new bonds, etc.

Sec.

4. Levy of tax for payment of interest and sinking fund.
5. Collector liable on official bond for failure to discharge his duties—Special collector may be appointed.
6. New bonds to be registered by the Comptroller, etc.
7. Assessment of taxes—Fees of assessor and collector.
8. Surplus revenue, how applied.
9. Emergency clause.

CHAP. 97.—[S. B. No. 128.] An Act to authorize counties, cities, and towns to compromise and adjust certain bonded indebtedness, and to provide for the levy and collection of taxes to pay the interest and sinking fund.

Section 1. Be it enacted by the Legislature of the State of Texas: That any county, city, or town that has heretofore issued bonds to aid in the construction of railroads and other works of internal improvements, are hereby authorized to compromise or adjust such indebtedness so created, in such manner as may be deemed to the best interest of such county, city or town: Provided, That the amount of the debt and the rate of interest thereon shall not be thereby increased: And provided further, That no debt which has become barred by the statute of limitation shall be thereby revived. For the purpose of carrying out the compromise or adjustment hereby authorized, the said counties, cities, and towns are authorized to issue bonds, in denominations of not less than one hundred nor more than one thousand dollars each, for an amount sufficient to consummate such compromise or adjustment, not to exceed the amount unpaid on the outstanding bonds.

Sec. 2. The bonds authorized by the preceding section may be exchanged for the bonds heretofore issued, or they may be sold and the proceeds used to buy up the old bonds as it may be necessary: Provided, that the said bonds shall not be exchanged for the old bonds at a greater rate than par, except that the old bonds may be taken at a discount, and the new at the face value, according to agreement: And provided, That the new bonds issued under this act shall not be sold for less than the amount for which the old bonds can be purchased. No bonds shall be sold under this act until there has been a contract by which the proceeds can be invested in the purchase of the old bonds.

Sec. 3. If any county, city, or town shall desire to avail itself of this act, and when arrangements shall have been made for the compromise or adjustment of any of the bonds as hereinbefore mentioned, the commissioners court of such county, or the city council of such town or city, shall enter an order, or adopt an ordinance, as the case may be, authorizing the issuance of bonds, which shall prescribe the amount to be issued, and shall cause blank bonds to be prepared for the purpose afore-said. The bonds shall be made payable to bearer, and shall be payable such time after date as may be fixed and agreed upon, not to exceed fifty years, and shall bear such rate of interest as may be agreed upon, which shall not exceed the rate of interest that the old bonds now bear. The interest may be made payable annually

or semi-annually, and at such place as may be specified. Coupons shall be attached, representing each installment of interest as specified, which shall also include two per cent of the face of the bond as a sinking fund. The bonds issued by the county shall be signed by the county judge and attested by the county clerk, with the seal of the county, and the coupons shall be signed by the county judge. The bonds may be issued by the mayor and attested by the city secretary or recorder, with the seal of such city or town attached, and the coupons shall be signed by the mayor.

Sec. 4. The bonds as herein authorized to be issued may be exchanged or sold from time to time, and in such amounts as can be procured of the old bonds by purchase or exchange. Whenever any bonds shall be issued, the county commissioners court, or council of such city or town, shall levy upon the last assessment of the property for such city or town, as the case may be, a tax sufficient to pay the interest and sinking fund of not less than two per cent upon such bonds. The tax so levied shall remain as the levy for that purpose until a new levy may be made for that purpose: Provided, That such commissioners court or council may from time to time increase or diminish such tax so as to adjust the same to the taxable values of the property of the county or city or town and the amount to be collected: Provided further, That the amount shall not any time be reduced so that it will not raise an amount sufficient to pay the annual interest and sinking fund on all the bonds sold or exchanged under this act.

Sec. 5. If the tax collector, or any officer charged with the duty of collecting the tax levied to pay the interest and sinking fund upon said bonds, shall refuse to collect the said tax at any time, he shall be liable upon his official bond to any person who may be injured thereby. If any collector shall refuse to collect said taxes, then upon the complaint of any citizen or person interested, or upon their own motion, it shall be the duty of the commissioners court of such county, or the city council of such city or town, to appoint some suitable person, who shall qualify as required of the collector aforesaid, and shall proceed to collect said tax until the next general election and until a collector shall be elected and qualified who will collect the same. If a commissioners court or council aforesaid shall fail or refuse to appoint some person as aforesaid, then the Governor of the State shall make such appointment of some suitable person who shall collect said taxes until the next general election and until some collector shall be elected who will collect the same; and such person so appointed by the Governor shall qualify as the regular collector is or may be required by law.

Sec. 6. Before the bonds that may be issued under this act shall be delivered they shall be registered in the office of the Comptroller of the State, who shall endorse upon each bond the date of such registration; and when so registered and delivered the said bonds shall not be subject to any defense that existed prior to the delivery of them, and this shall be stated in the face of the bonds.

Sec. 7. The taxes levied under this act shall be assessed by the officer whose duty it is by law to make the assessment for such county, city or town, who shall receive for such assessment one per cent for making such assessment. The officer whose duty it is by law to collect the taxes for such county, city, or town, shall collect the taxes levied under this act, and shall receive as compensation therefor one per cent of the amount collected.

Sec. 8. If after all the matured coupons upon any series of bonds that may be issued under this act have been paid off there shall remain a surplus

of the taxes collected under this act for the payment thereof, then the commissioners court of such county, or the council of such city or town, may use the surplus so remaining to purchase any of the outstanding bonds, at not more than par. If said bonds cannot be purchased at par, then the said surplus may be applied to the payment of the next maturing coupons upon their maturity, and the taxes for that year remitted to that extent.

Sec. 9. The near approach of the close of the present session rendering it impracticable to read this bill on three several days creates an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days be suspended, and it is accordingly so enacted.

Approved, March 30, 1887.

**JUDICIAL DISTRICTS—THIRTY-FIRST, THIRTY-SECOND, THIRTY-THIRD, THIRTY-FIFTH, THIRTY-NINTH AND FORTY-SECOND.**

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| <p><b>Sec.</b></p> <ol style="list-style-type: none"> <li>1. Counties comprised in the Thirty-first Judicial District, and terms of court therein.</li> <li>2. Declares what unorganized counties are attached to Donley, Oldham, and Wheeler Counties for Judicial purposes.</li> <li>3. Counties comprised in Thirty-second Judicial District, and terms of court therein.</li> <li>4. Declares what unorganized counties are attached to Martin, Howard, and Crosby Counties for judicial purposes.</li> <li>5. Counties comprised in the Thirty-third Judicial District, and terms of court therein.</li> <li>6. Counties comprised in the Thirty-fifth Judicial District, and terms of court therein.</li> <li>7. Counties comprised in Thirty-ninth Judicial District, and terms of court therein.</li> <li>8. Declares what unorganized counties are attached to Hardeman, Knox, and Jones, for Judicial purposes.</li> </ol> | <p><b>Sec.</b></p> <ol style="list-style-type: none"> <li>9. Counties comprised in the Forty-second Judicial District, and terms of court therein.</li> <li>10. Provides that district judges of Thirty-first, Thirty-third, Thirty-fifth, and Thirty-ninth Judicial Districts, shall continue to exercise their functions, and that the district attorney of the Thirty-second District shall be district attorney for the Forty-second District.</li> <li>11. Provides for the appointment of district attorney by the Governor for the Thirty-second Judicial District, and a judge for the Forty-second Judicial District, and for the election of judge and district attorney for each of said districts at next general election.</li> <li>12. Writes and process, how returnable.</li> <li>13. This act to take effect after June 30, 1887.</li> <li>14. Repealing clause.</li> <li>15. Emergency clause.</li> </ol> |
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**CHAP. 98.**—[S. B. No. 336.] An Act to reorganize the Thirty-first, Thirty-second, Thirty-third, Thirty-fifth, and Thirty-ninth Judicial Districts; and to create the Forty-second Judicial District of the State of Texas, and to fix the times of holding courts therein; and to provide for the appointment and election of judges and district attorneys in the Thirty-second and Forty-second Judicial Districts; and to repeal all laws and parts of laws in conflict herewith.

Section 1. Be it enacted by the Legislature of the State of Texas: That the Thirty-first Judicial District shall be composed of the counties of Wheeler, Oldham, Greer and Donley, and the unorganized counties of Collingsworth, Childers, Hall, Briscoe, Swisher, Castro, Farmer, Deaf Smith, Randall, Armstrong, Gray, Carson, Potter, Hartley, Moore, Hutchinson, Roberts, Hemphill, Lipscomb, Ochiltree, Hansford, Sherman, and Dallam, and terms of the district court shall be held therein each year as follows:

In the county of Donley on the first Mondays in January and July, and may continue in session four weeks.

In the county of Greer on the first Mondays in March and September, and may continue in session four weeks.

In the county of Wheeler on the first Mondays in April and November, and may continue in session four weeks.

In the county of Oldham on the first Mondays in May and October, and may continue in session four weeks.

Sec. 2. The unorganized counties of Carson, Armstrong, Swisher, Briscoe, Hall, and Childress, are attached to the county of Donley for judicial purposes.

The unorganized counties of Sherman, Moore, Potter, Castro, Farmer, Deaf Smity, Hartley, Dallam, and Randall, are attached to the county of Oldham for judicial purposes.

And the unorganized counties of Collingsworth, Gray, Hutchinson, Hansford, Ochiltree, Roberts, Hemphill, and Lipscomb, are attached to the county of Wheeler for judicial purposes.

Sec. 3. The Thirty-second Judicial District shall be composed of the counties of Nolan, Mitchell, Howard, Martin, Midland, Scurry, and Crosby, and the unorganized counties of Andrews, Gaines, Dawson, Borden, Kent, Garza, Lynn, Terry, Yoakum, Cochran, Hockley, Lubbock, Dickens, Motley, Floyd, Hale, Lamb, and Bailey, and terms of the district court shall be held therein each year as follows:

In the county of Midland on the first Mondays in February and September, and may continue in session two weeks.

In the county of Martin on the third Mondays in February and September, and may continue in session one week.

In the county of Howard on the fourth Mondays in February and September, and may continue in session two weeks.

In the county of Crosby on the fifth Mondays after the first Mondays in February and September, and may continue in session two weeks.

In the county of Scurry on the seventh Mondays after the first Mondays in February and September, and may continue in session two weeks.

In the county of Nolan on the ninth Mondays after the first Mondays in February and September, and may continue in session three weeks.

In the county of Mitchell on the twelfth Mondays after the first Mondays in February and September, and may continue in session until the business is disposed of.

Sec. 4. The unorganized counties of Andrews and Gaines are hereby attached to the county of Martin for judicial purposes.

The unorganized counties of Borden, Dawson, Lynn, Terry, and Yoakum, are hereby attached to the county of Howard for judicial purposes.

The unorganized counties of Kent and Garza are hereby attached to the county of Scurry for judicial purposes.

The unorganized counties of Dickens, Motley, Floyd, Hale, Lamb, Bailey, Cochran, Hockley, and Lubbock, are hereby attached to the county of Crosby for judicial purposes.

Sec. 5. The Thirty-third Judicial District shall be composed of the counties of Blanco, Gillespie, Mason, Kimble, Menard, San Saba, and Llano, and terms of the district court shall be held therein each year as follows:

In the county of Blanco on the first Mondays in February and September, and may continue in session two weeks.

In the county of Gillespie on the third Mondays in February and September, and may continue in session two weeks.

In the county of Mason on the fourth Mondays after the first Mondays in February and September, and may continue in session three weeks.

In the county of Kimble on the seventh Mondays after the first Mondays in February and September, and may continue in session two weeks.

In the county of Menard on the ninth Mondays after the first Mondays in February and September, and may continue in session two weeks.

In the county of San Saba on the eleventh Mondays after the first Mondays in February and September, and may continue in session three weeks.

In the county of Llano on the fourteenth Mondays after the first Mondays in February and September, and may continue in session until the business is disposed of.

Sec. 6. The Thirty-fifth Judicial District of the State of Texas shall be composed of the counties of Brown, Coleman, Runnels, Tom Green, Concho,

and McCulloch, and the district courts shall be held therein each year as follows:

In the county of Brown on the first Mondays in February and September, and may continue in session four weeks.

In the county of Coleman on the fourth Mondays after the first Mondays in February and September, and may continue in session three weeks.

In the county of Rannels on the seventh Mondays after the first Mondays in February and September, and may continue in session three weeks.

In the county of Tom Green on the tenth Mondays after the first Mondays in February and September, and may continue in session three weeks.

In the county of Concho on the thirteenth Mondays after the first Mondays in February and September, and may continue in session one week.

In the county of McCulloch on the fourteenth Mondays after the first Mondays in February and September, and may continue in session until the business is disposed of.

Sec. 7. The Thirty-ninth Judicial district of the State of Texas shall be composed of the counties of Knox, Hardeman, Baylor, Throckmorton, Haskell, Jones, and Fisher, and the unorganized counties of Stonewall, King, and Cottle, and terms of the district court shall be held therein each year as follows:

In the county of Jones on the first Mondays in February and August, and may continue in session four weeks.

In the county of Fisher on the fourth Mondays after the first Mondays in February and August, and may continue in session one week.

In the county of Haskell on the fifth Mondays after the first Mondays in February and August, and may continue in session three weeks.

In the county of Throckmorton on the eighth Mondays after the first Mondays in February and August, and may continue in session two weeks.

In the county of Baylor on the tenth Mondays after the first Mondays in February and August, and may continue in session three weeks.

In the county of Knox on the thirteenth Mondays after the first Mondays in February and August, and may continue in session two weeks.

In the county of Hardeman on the fifteenth Mondays after the first Mondays in February and August, and may continue in session until the business is disposed of.

Sec. 8. The unorganized county of Cottle is hereby attached to the county of Hardeman for judicial purposes.

The unorganized county of King is hereby attached to the county of Knox for judicial purposes.

The unorganized county of Stonewall is hereby attached to the county of Jones for judicial purposes.

Sec. 9. The Forty-second Judicial District of the State of Texas shall be composed of the counties of Comanche, Eastland, Stephens, Shackelford, Callahan, and Taylor, and terms of the district court shall be held annually therein as follows:

In the county of Comanche on the first Mondays in February, and on the third Monday in August, and may continue in session four weeks.

In the county of Taylor on the Fourth Monday after the first Monday in February, and on the sixth Monday after the first Monday in August, and may continue in session five weeks.

In the county of Callahan on the ninth Monday after the first Monday in February, and on the eleventh Monday after the first Monday in August, and may continue in session three weeks.

In the county of Shackelford on the twelfth Monday after the first Mon-

day in February, and on the fourteenth Monday after the first Monday in August, and may continue in session two weeks.

In the county of Stephens on the fourteenth Monday after the first Monday in February, and on the sixteenth Monday after the first Monday in August, and may continue in session two weeks.

In the county of Eastland on the sixteenth Monday after the first Monday in February, and on the eighteenth Monday after the first Monday in August, and may continue in session until the business is disposed of.

Sec. 10. That the district judges heretofore elected and now acting for the 31st, 32nd, 33rd, 35th, and 39th Judicial Districts herein mentioned, shall continue the exercise of their said offices respectively.

That the district attorneys of the 31st, 33rd, 35th, and 39th Judicial Districts shall each continue the exercise of their offices for said districts, and the district attorney of the 32nd Judicial District shall be and is hereby made the district attorney of the 42nd Judicial District.

Sec. 11. That immediately after this act goes into effect the Governor shall appoint a suitable person district attorney of the 32nd Judicial District, and a suitable person district judge of the 42nd Judicial District, and a district judge and district attorney for each of said districts shall be elected at the next general election and at subsequent elections according to existing laws.

Sec. 12. That all process issued or served before this act goes into effect, returnable to the district court of any of the counties of said judicial districts, shall be considered as returnable to said court in accordance with the times as prescribed by this bill, and all such process is hereby legalized; and all grand and petit jurors drawn and selected under existing laws in any of the counties of said judicial districts shall be considered as lawfully drawn and selected for the next term of the district courts of their respective counties held after this act shall go into effect, and all such process is hereby legalized and validated.

Sec. 13. That this act take effect and be in force from and after the 30th day of June, A. D. 1887.

Sec. 14. That all laws and parts of laws in conflict with the terms of this bill be and the same are hereby repealed.

Sec. 15. The fact that the near approach of the close of this session renders it improbable that this bill can be considered on three several days, and the fact that it is necessary for the proper administration of justice that this bill should go into effect on the 30th of June, A. D. 1887, which will probably be less than ninety days after the adjournment of this Legislature, creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect and be in force from and after the thirtieth day of June, A. D. 1887, and it is so enacted.

[Note.—The foregoing act originated in the Senate, and passed the same by a vote of 22 yeas, no nays; and passed the house by a vote of 71 yeas, 2 nays.]

Approved, March 31, 1887.

PROVIDING FOR THE SALE AND LEASE OF SCHOOL AND OTHER  
PUBLIC LANDS.

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| <p>Sec.</p> <ol style="list-style-type: none"> <li>1. Defines lands embraced in this act.</li> <li>2. Commissioner of General Land Office vested with power to make regulations with the approval of Governor, etc.—Duties of Attorney-General, etc.</li> <li>3. Appointment of agents, their duties, etc.—Classification of lands, etc.</li> <li>4. More fully defining and describing the duties of agents.</li> <li>5. Regulates sales of classified lands—To be sold to actual settlers only—Prohibits sales to corporations.</li> <li>6. Notification of valuation of lands and manner of keeping record of same.</li> <li>7. Regulates quantities, minimum prices, etc., of lands to be sold.</li> <li>8. Privileges and restrictions relating to actual settlers in purchasing lands.</li> <li>9. Sales to be made by the Commissioner of General Land Office—Further regulates his duties—Also requirements affecting purchasers.</li> <li>10. Conditions precedent to issuance of patents—As to sales by purchasers, etc.</li> <li>11. Forfeitures for non-payment, etc.</li> <li>12. Records and accounts to be kept by Commissioner of Land Office and Treasurer.</li> <li>13. Timber lands, price and regulations by Commissioner as to sale of or timber thereon.</li> </ol> | <p>Sec.</p> <ol style="list-style-type: none"> <li>14. Commissioner of Land Office to lease lands—Terms, etc., of lease.</li> <li>15. Applications to lease, how made—lease extended by the Commissioner—sale of leased lands, etc.</li> <li>16. Regulating payment of money due on leases and accounts thereof.</li> <li>17. Terminating lease for non-payment—Lien of State to secure payment of rents.</li> <li>18. Prescribing penalties for unlawfully appropriating, etc., said lands—Extradition of offenders—Definitions, etc.</li> <li>19. Section 18 not to apply to gathering stock for shipment, etc.</li> <li>20. Governor may require Attorney-General to bring suits against persons unlawfully enclosing lands—Venue of such suits—other duties of Governor.</li> <li>21. Provides for gates, etc.—As to driving cattle herds in transit through leased lands.</li> <li>22. Leasing or withholding from lease agricultural lands, etc.</li> <li>23. \$50,000 appropriated out of school funds, etc., to defray expenses of executing this act.</li> <li>24. Leaseholds under this act exempt from taxation.</li> <li>25. Rights of lessees under former laws.</li> <li>26. Repealing clause—Books, etc., of Land Board to be deposited with Commissioner of Land Office.</li> </ol> |
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CHAP. 99.—[S. S. B. No. 219.] An Act to provide for the sale of all lands heretofore or hereinafter surveyed and set apart for the benefit of the Public Free Schools, the University, and the several Asylums, and the lease of such lands and of the public lands of the State, and to prevent the free use, occupancy, unlawful enclosure, or unlawful appropriation of such lands, and to prescribe and provide adequate penalties therefor.

Section 1. Be it enacted by the Legislature of the State of Texas: That all lands heretofore or hereafter surveyed and set apart for the benefit of the Public Free Schools, the University, the Lunatic Asylum, the Blind Asylum, the Deaf and Dumb Asylum, and the Orphan Asylum, shall be sold and leased under the provisions of this act.

Sec. 2. The Commissioner of the General Land Office is hereby vested with all the power and authority necessary to carry into effect the provisions of this act, and shall have full charge and direction of all matters pertaining to the sale and lease of said lands, and their protection from free use and occupancy, and from unlawful enclosure, with such exceptions and under such restrictions as may be imposed by the provisions of this act or by the Constitution of the State. He shall, as soon as practicable, adopt such regulations not inconsistent with the Constitution or this act as may be deemed necessary for carrying into effect the provisions of this act, and may, from time to time, alter or amend such regulations so as to protect the public interest; but all regulations shall be submitted to the Governor for his approval before adoption or promulgation. He shall adopt all necessary forms of applications for sales or leases, and all other forms necessary or proper for the transaction of the business imposed upon him by this act, including the forms of leases, receipts, and acquittances, and may from time to time call upon the Attorney-General to prepare such forms, and it shall be the duty of that officer to furnish the Commissioner of the General Land Office with such advice and legal assistance as may be requisite for the due execution of the provisions of this act; and it shall be the duty of such Commissioner to call upon the Attorney-General for advice whenever there is any doubt as to the meaning of this act or any provisions thereof.

Sec. 3. As soon as may be practicable after the passage and approval of this act, the Commissioner of the General Land Office shall cause all the lands belonging to the several funds named in this act, which may be in demand for immediate settlement, to be carefully and skillfully classified



and valued; and for this purpose he may appoint, with the approval of the Governor, such number of competent State agents as may be necessary to effect such classification and valuation; and he shall cause such classification and valuation to be made of the remainder of such lands from time to time as the same may come into demand for actual settlement; and with the approval of the Governor he may allow such compensation to said State agents as may be just and proper, not to exceed the sum of one hundred and fifty dollars per month and necessary expenses for subsistence. He may also appoint such other assistance as may be found necessary to accomplish such classification and appraisement and the sale or lease of the lands; but no State agents or other appointments shall be made in the absence of an appropriation by law to cover such expenditure, and the State shall not be liable for any expenditure of this character incurred in the excess of current appropriations.

Sec. 4. It shall be the duty of such State agents as may be appointed under the provisions of this act, under such regulations and instructions as may be prescribed by the Commissioner of the General Land Office, to classify all the lands belonging to the several funds mentioned in this act, as prescribed in Section 3, lying in the particular territory to which such agent may be assigned, into agricultural, pasture, and timber lands; and for this purpose they shall carefully examine the same, and after such examination they shall prepare an accurate plat of each section, showing the relative proportions of timber and open land on such section, and their situation, also the quality of the soil, the topography of the land, and the quality and kind of timber, and the streams and other sources of water supply, and their location, noting such streams as may be permanent water, and such other facts as may be important: and from time to time, as may be prescribed by the Commissioner of the General Land Office, such agent shall prepare and forward to the Commissioner with such plats, a tabulated statement of all the lands in any particular locality, with the value of each section; and such plats and reports shall be filed in the General Land Office as a part of the records of said office; but nothing in this section contained shall be construed to require a classification of lands already classified under former laws, if such classification is satisfactory to the Commissioner.

Sec. 5. When any portion of said land has been classified to the satisfaction of the Commissioner, under the provisions of this act or former laws, such lands shall be subject to sale, but to actual settlers only, and in quantities of not less than one hundred and sixty acres and in multiples thereof, nor more than six hundred and forty acres: Provided, That when there is a fraction of less than one hundred and sixty acres of any section left, such fraction may be sold; but lands classified as purely pasture lands, and without permanent water thereon, may be sold in quantities not to exceed four sections to the same settler, and in no event shall sale be made to a corporation either foreign or domestic; and all sales to a settler shall be upon the express condition that any sale, transfer, or conveyance of such land to a corporation, either immediate or remote, shall ipso facto terminate the title of the purchaser, and such land shall be forfeited to the State without re-entry, and become again a part of the particular fund to which it formerly belonged.

Sec. 6. It shall be the duty of the Commissioner of the General Land Office to notify in writing the county clerk of each county of the valuation fixed upon each section of land in his county, and in each county attached to it for judicial purposes, which he offers for sale, which notification shall

be kept by the clerk in his office and recorded in a well bound book, which shall be open to public inspection.

Sec. 7. All lands belonging to the public free schools, university, and the several asylum funds, shall be sold at not less than two dollars per acre. All sections of lands having permanent water on, or bordering thereon, shall be sold at not less than three dollars per acre, and no less than one hundred and sixty acres shall be sold, except in cases where a fractional part of a section less than one hundred and sixty acres is unsold, in which case the entire fractional part of such survey shall be sold: Provided, That no watered portion of any section shall be sold unless there is permanent water on, or bordering on, the part of said section remaining unsold; and all timber land shall be sold at not less than five dollars per acre. By timber lands, as here used, is meant lands valuable chiefly for the timber thereon.

Sec. 8. Any bona fide actual settler who may reside on any part of the lands the sale of which is authorized by this act, at the time this act may go into effect, shall have the right, for a period of six months after the same shall have been appraised, to purchase such quantity of land as may be limited by this act, to include his improvements, upon complying with the provisions of this act regulating sales as in other cases, and such lands shall be appraised without reference to the improvements thereon: Provided, That any bona fide settler who owns one section, and no more, prior to this enactment, shall have the right to purchase three dry and strictly pastoral sections, upon his making oath that he is not acting in collusion with others for the purpose of buying the land for any other person or corporation, and that no other person or corporation is directly or indirectly interested in the purchase of the same: Provided further, That any purchaser and actual settler upon any of the public free school, university, and asylum lands, under any former law, who, for any cause, has failed to pay the principal and interest, or either, due the State upon such land, on the first day of August, A. D. 1886, and by reason of such failure or default such purchaser's land has or may be forfeited to the State, such purchaser shall have the prior right for six months from the date this act takes effect to purchase his said land, at such price as the unpaid principal at the time of default and the interest due thereon under such former purchase up to the time he purchases under this act shall aggregate. And such purchaser shall in all other respects be governed by the same penalties, restrictions, and requirements enjoined by this act upon other purchasers and actual settlers.

Sec. 9. All sales shall be made by the Commissioner of the General Land Office, or under his direction, and he shall prescribe suitable regulations whereby all purchasers shall be required to reside upon, as a home, the land purchased by them, for three consecutive years next succeeding the date of their purchase. Such regulations shall require the purchaser to reside upon the land for the three consecutive years herein mentioned, and to make proper proof of such residence and occupancy to the Commissioner of the General Land Office within one year next after the expiration of said three years, by his affidavit, corroborated by the affidavits of three disinterested and credible citizens of the county, to be certified to by some officer of the county wherein the land is situated, authorized to administer oaths. Any person desiring to purchase land in accordance with the provisions of this act, shall forward his application to the Commissioner, particularly describing the land sought to be purchased, which application shall, in all cases, be accompanied with the affidavit of the applicant, in effect that he desires to purchase the land for a home, and has in good faith settled

thereon; and he shall also swear that he is not acting in collusion with others for the purpose of buying the land for any other person or corporation, and that no other person or corporation is interested in the purchase save himself. The purchaser shall transmit to the Treasurer of the State one-fortieth of the aggregate purchase money for the particular tract of land and send to the Commissioner his obligation to the State, duly executed, and binding the purchaser to pay to the State, on the first day of August of each year thereafter, until the whole purchase money is paid, one-fortieth of the aggregate price, with interest thereon from date at the rate of 5 per cent per annum on the whole unpaid purchase money, which interest shall also be payable on the first day of August of each year; and upon receipt of one-fortieth of the purchase money by the Treasurer, and the affidavit and obligation aforesaid by the Commissioner, the sale shall be deemed and held effective from the date the affidavit and obligation are filed in the General Land Office: Provided, That if the land applied for be timbered land, then the purchaser shall be required to pay the full amount of the purchase money at the time of his purchase.

Sec. 10. All purchasers shall have the option of paying the purchase money for their lands in full at any time after they have occupied the same for three consecutive years; and when they have made such payment in full, together with the proof that they have occupied the land and homestead for three consecutive years, they shall be entitled to receive patents for the same upon payment of the patent fees prescribed by law. Purchasers may also sell their lands at any time after sale is effected under this act, and in such cases the vendee, or any subsequent vendee, may file his own obligation with the Commissioner of the General Land Office, together with the duly authenticated conveyance, or transfer, from the original purchaser, and the intermediate vendee's conveyance or transfer, if any there be, duly recorded in the county where the land lies, or to which it may be attached for judicial purposes, together with his affidavit stating that he desires to purchase the land for a home, and that he has in good faith settled thereon, and that he is not acting in collusion with others for the purpose of buying the land for any other person or corporation, and that no other person or corporation is interested in the purchase save himself; and thereupon the original obligation may be surrendered or cancelled, and the vendee shall become the purchaser direct from the State, and be subject to all the obligations and penalties prescribed by this act, and the original purchaser shall be absolved from further liability thereon: Provided, That whenever a town shall be located and established upon any land sold under this or any former act, the purchaser or his vendee shall be permitted to pay the entire balance of principal and interest due the State upon such land, and obtain a patent therefor at any time; but no such payment shall be permitted or patent issue until such purchaser or owner of such land shall file in the General Land Office a certified plat of such town, made by the proper surveyor of the county, which shall be accompanied by the affidavit of the owner of such land, corroborated by the affidavit of five disinterested and credible citizens of the county, to the effect that a town, giving its name, has been located and established upon the land, and that there has been erected therein, and being occupied by bona fide citizens, twenty business and residence houses, or either or both.

Sec. 11. If upon the first day of August of any year the interest due on any obligation remains unpaid, the Commissioner of the General Land Office shall endorse on such obligation "land forfeited," and shall cause an entry to that effect to be made on the account kept with the purchaser, and

thereupon said land shall be forfeited to the State, without the necessity of re-entry, or judicial ascertainment, and shall revert to the particular fund to which it originally belonged, and be resold under the provisions of this act or any future law: Provided, If any purchaser shall die, his heirs or legal representatives shall have one year in which to make payment after the first of August next after such death; and if any purchaser shall fail to reside upon and improve in good faith the land purchased by him, he shall forfeit said land and all payments made thereon to the State, and such land shall be again for sale, as if no such sale and forfeiture had occurred; or if he shall fail to make the proof of occupancy within the time and in the manner prescribed by the regulations of the Commissioner of the General Land Office as provided for in section (9) nine of this act, he shall in like manner forfeit the land and all payments thereon to the State: And provided further, That nothing in this section contained shall be construed to inhibit the State from instituting such legal proceedings as may be necessary to enforce such forfeiture, or to protect any other right to such land, which suits may be instituted by the Attorney-General, under the direction of the Governor, in the proper court of the county in which the land lies, or in the District Court of Travis County, and jurisdiction of such causes is hereby expressly conferred on said courts.

Sec. 12. The Commissioner of the General Land Office shall retain in his custody as records of his office all applications, affidavits, obligations, and all other papers relating to sales of said lands, and shall cause to be kept accurate accounts with each purchaser. All purchase money due upon lands, as well as accrued interest, and all other moneys arising from the sales or leases of said lands, shall be paid by the purchaser or lessee direct to the Treasurer of the State, who shall also cause an accurate account to be kept with each purchaser, and who shall execute duplicate receipts for all sums of money paid to him under the provisions of this act, one of which receipts shall be delivered to the purchaser, or his agent, and the other transmitted to the Commissioner of the General Land Office.

Sec. 13. The Commissioner of the General Land Office shall adopt such regulations for the sale of timber on timber lands as may be deemed necessary and judicious, such regulations to be subject to the approval of the Governor. Such timber shall not be sold for less than five dollars per acre cash, except in such cases as the Commissioner may ascertain by definite examination of a State agent that any particular section is sparsely timbered or contains timber of but little value, in which case he shall be authorized to sell the timber on said section at the best price on the best terms practicable: Provided, Such timber is sold at not less than two dollars per acre; and in no case shall less than one section of timbered land be sold to any purchaser except in cases of fractional sections which may be sold under the provisions of this act: Provided, That the purchaser shall have three years from the date of his purchase within which to remove the timber therefrom; and in case of failure so to do, such timber shall be forfeited to the State without judicial ascertainment.

Sec. 14. The public lands, and all lands belonging to the public free school, asylum, or university funds, shall be leased by the Commissioner of the General Land Office in accordance with the provisions of this act. Such leases shall be for a term of not more than five years, and the lessee shall pay an annual rental of four cents an acre for all pasture lands leased, which rental shall be paid each year in advance, the first payment to be made at the time the lease is executed; and if at the termination of the lease such land is still subject to lease, the lessee or lessees thereof, whose

term of lease is expired, shall have the refusal of such land as he has been leasing, on the terms and at the price that may be fixed therefor by the Commissioner of the General Land Office. All leases shall be executed under the hand and seal of the Commissioner of the General Land Office, and shall be delivered to the lessee or his duly authorized agent, and such lease shall not take effect until the first annual rent is paid and the lease is duly filed for record in the county where the land lies, or to which it may be attached for judicial purposes, and it shall not be necessary for the the Commissioner to acknowledge such lease before the same is placed on record.

Sec. 15. Any person desiring to lease any portion of the public lands, or the lands belonging to the several funds mentioned in this act, shall make application in writing to the Commissioner of the General Land Office, specifying and describing the particular lands he desires to lease; and thereupon the Commissioner, if satisfied that the lands applied for are not in immediate demand for purposes of actual settlement, and that such lands can be leased without detriment to the public interest, shall notify the applicant in writing that his proposition to lease is accepted; and thereupon he shall execute and deliver to the lessee, and in the name and by the authority of the State, a lease of said land for such term as may be agreed upon, and deliver the same to such lessee, when satisfied that the lessee has paid to the Treasurer of the State the rent for one year in advance. No lands classified as grazing lands under this act shall be subject to sale during the existence of such lease, and the possession thereof by the lessee shall not be disturbed during the term of such lease so long as the rents are paid promptly in advance each year as required by this act. The lands classified as agricultural lands which may be leased under this act, shall be leased subject to sale as provided by this act, and whenever such leased lands may be purchased the lessee shall give immediate possession to such purchaser: Provided, That the lessee shall have a pro rata credit upon his next year's rent, or the money refunded to him by the Treasurer, as he may elect: Provided, That no such sale shall be permitted where such lessee shall have previously placed improvements of the value of one hundred dollars upon such section of land so sought to be purchased. And provided further, That no actual settler who shall purchase land within any leasehold shall be permitted to turn loose more than one head of cattle or horses for every ten acres of land purchased by him and unenclosed, or, in lieu thereof, four head of sheep or goats to every ten acres of land so purchased and unenclosed. Each violation of the provisions of this act which restricts the number of stock that may be turned loose on lands leased from the State shall be an offense, and the offender on conviction shall be punished by fine of not less than one dollar for each head of stock he may so turn loose, and each thirty days violation of the provisions of this section shall constitute a separate offense.

Sec. 16. All lessees shall pay the annual rents due for leased lands directly to the Treasurer of the State, who shall execute receipts in duplicate for each payment made by any lessee, one of which receipts shall be delivered to the lessee, and the other transmitted to the Commissioner of the General Land Office. The Treasurer shall cause to be kept an accurate account with each lessee, and the Commissioner of the General Land Office shall file in his office all applications and other papers relating to leases, and keep a record of all leases made, which papers shall constitute a part of the records of his office.

Sec. 17. If any lessee shall fail to pay the annual rent due in advance for any year, within sixty days after such rent shall become due, the Com-

missioner of the General Land Office may declare such lease cancelled, by a writing under his hand and seal of office, which writing shall be filed with the papers relating to such lease, and thereupon said lease shall immediately terminate, and the lands so leased shall become subject to purchase or lease, as the Commissioner may determine for the best interest of the State. And during the continuance of all leases, and after forfeiture, the State shall have a lien upon all the property upon the leased premises to secure the payment of all rents due, which lien shall be prior and superior to all other liens whatsoever, and it shall not be essential to the preservation or validity of such lien that it shall be reserved in the instrument of lease.

Sec. 18. It shall be unlawful for any person to fence, use, occupy or appropriate, by herding or line-riding, any portion of the public lands of the State, or of the lands belonging to any particular fund specified in this act, without having first obtained a lease of such lands in accordance with the provisions of this act. Any person, whether owner of stock, manager, agent, employe, or servant, who shall fence, use, occupy, or appropriate, by herding or line-riding, any portion of such lands without a lease thereof, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be fined not less than one hundred nor more than one thousand dollars, and in addition thereto shall be imprisoned in the county jail for a period of not less than three months nor more than two years. Each day of such fencing, using, occupying, or appropriating, by herding or line-riding, shall be deemed a separate offense, and any person so offending may be prosecuted, by indictment or information, in the proper court of the county where any portion of the land lies or to which it may be attached for judicial purposes, or in the county of Travis, and jurisdiction of such offenses is hereby vested in said courts; and in case any indictment or information is preferred or filed against a non-resident of this State for a violation of this section, it shall be the duty of the Governor to demand the extradition of the defendant from the proper officer of any State or Territory where he may be found, in order that he may be brought to trial. "Fencing," within the meaning of this act, is the erection of any structure of wood, wire, or both, or any other material intended to prevent the passage of cattle, horses, mules, asses, sheep, goats, or hogs, whether the same shall enclose lands on all sides or be erected on one or more sides. Any appropriation of land belonging to any particular fund specified in this act, or of the public lands of this State, without first having obtained a lease thereof, by fencing of any kind, or by enclosures consisting partly of fencing and partly of natural obstacles, or impediments to the passage of live stock, shall be deemed an unlawful appropriation, punishable as provided in this section for appropriating such lands, and each day said land is so appropriated shall be deemed a separate offense.

Sec. 19. The provisions of this act as set forth in the preceding section, shall not apply to persons who are moving, or gathering, or holding for shipment any stock mentioned in said article: Provided, The said persons have not erected any fence on such lands, or continue on said lands longer than one week.

Sec. 20. All enclosures of or fences upon any portion of the public lands, or lands belonging to the public free school, asylum, or university funds, without lawful authority, shall be removed within sixty days from the time this act shall take effect. If the Governor is informed at any time, upon the affidavit of some credible person, that any portion of the public lands, or lands belonging to the public free school, asylum, or university funds, have been enclosed, or that fences have been erected thereon,

without authority of law, he is authorized, in his discretion, to direct the Attorney-General to institute suit in the name of the State for the recovery of such land, and damages for the use and occupation of such land, and the removal of such enclosures and fences. Such suit may be instituted in the district court of any county where the land, or a portion thereof, is situated, or in the District Court of Travis County; and upon application of the Attorney-General, and without affidavit or bond, the clerk of the court in which suit is instituted shall issue a writ of sequestration, directed to any sheriff of the State of Texas, commanding and requiring such officer to take such land and all property thereon into his actual custody, and the same hold subject to the further orders of the court. Such writ of sequestration may be executed by any sheriff of the State into whose hands it may be delivered, and it shall be the duty of any sheriff into whose hands it may come, to proceed and execute such writ, and the Governor is required, in his discretion, to furnish such sheriff with the necessary force of volunteer militia or other military force of the State to accomplish the purposes of the writ and to execute the process of the court. The defendant in such writ may replevy, as in ordinary cases, by giving bond as prescribed by law, and such cases shall have precedence on the docket, and stand for trial before all other causes; and in case judgment is recovered by the State in such suit the court shall order such enclosures or fences to be removed, and shall tax the costs of suit, including the cost of the military force, if any, against the defendant; and all the property found upon the land belonging to the defendant shall be liable for such costs and damages in addition to the personal liability of the defendant. Appeals may be prosecuted from all judgments in such cases, as in ordinary cases, except that the State shall not be required to give bond to perfect its appeal, and such cases on appeal shall have precedence over all other causes.

Sec. 21. It shall be unlawful for any person or corporation who may have used any of the lands by joining fences or otherwise, to build or maintain more than three miles lineal measure of fence, running in the same general direction, without a gateway in same, which gateway must be at least ten feet wide, and shall not be locked or kept closed so as to obstruct free ingress and egress: Provided, That all persons who have fences already constructed in violation of the provisions of this act shall have two months from the time this act takes effect within which to conform with the provisions hereof: Provided further, If any person or persons shall build or maintain more than three miles lineal measure running in the same direction, without providing such gateway, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than two hundred dollars nor more than one thousand dollars, and each day that such fence remains without such gateway shall constitute and be punished as a separate offense: Provided further, That the construction of gates as provided for in this section shall apply only to pasture lands: Provided further, When herds of cattle, horses, sheep, or goats are driven through this State from one place to another place in this State, and it becomes necessary for such stock to pass through any enclosed pasture of any person who has leased any of the aforesaid lands, such lessee of such enclosure shall permit such stock to pass through such pasture: Provided, The owner of such stock so driven through any such enclosure shall move the same as expeditiously and with as little delay as practicable through such enclosure.

Sec. 22. The Commissioner of the General Land Office, under the direction of the Governor, may withhold from lease any agricultural lands necessary for purposes of settlement, or, in his discretion, he may lease such

agricultural lands in small quantities for a less period than five years, as the public interest and development of the country may seem to require; and no agricultural lands shall be leased if in the judgment of the Commissioner they may be in immediate demand for settlement, but such lands shall be held for settlement and sold to actual settlers only, under the provisions of this act; and all sections or fractions of sections in all counties organized prior to the first day of January, 1875, except El Paso, Pecos, and Presidio Counties, which sections are detached and isolated from other public lands, may be sold to any purchaser except to a corporation, at not less than two dollars per acre, upon such terms as the Commissioner of the General Land Office may prescribe.

Sec. 23. The sum of eighty thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of the several funds belonging to the public free schools, asylums, and university, to pay the expenses of executing this act, which sum shall be apportioned between said funds according to their respective interests and the work necessary to be done, and shall be expended by the Commissioner of the General Land Office, with the approval and under the direction of the Governor.

Sec. 24. Leaseholds created under the provisions of this act shall be exempt from all taxation.

Sec. 25. Nothing in this act shall be construed to impair, interfere with, or in any manner affect any lease or sale, or the rights growing out of the same, made under former laws, of the lands herein referred to: Provided, That any person or persons who have heretofore leased lands from this State at prices fixed by the Land Board, and whose leases are not yet expired, shall have their rental for the remainder of their unexpired term reduced to the prices charged under this bill for the lease of similar lands.

Sec. 26. All laws and parts of laws in conflict with this act are hereby repealed; and the Secretary of the Land Board is hereby authorized and directed immediately upon the passage and approval of this act to deposit with the Commissioner of the General Land Office all the books, papers, and records belonging to or pertaining to said Land Board, and such books, papers, and records shall hereafter constitute a part of the records of the General Land Office.

Approved, April 1, 1887.

## CORPORATIONS FOR DEEP WATER CHANNELS.

Sec.

1. Amends Title 20, Revised Civil Statutes, by adding Chapter 14.

Sec.

2. Emergency clause.

CHAP. 100.—[S. B. No. 116.] An Act to amend Title 20 of the Revised Civil Statutes of the State of Texas, entitled Private Corporations, by adding another chapter thereto, to be styled Chapter Fourteen, authorizing the construction, owning, and operating deep water channels and docks.

Section 1. Be it enacted by the Legislature of the State of Texas: That Title 20, of the Revised Civil Statutes of the State of Texas, be and the same is hereby amended by adding thereto the following chapter:

### Chapter Fourteen.

Article 644a. This title shall embrace and include the creation of private corporations for the purpose of constructing, owning, and operating deep water channels from the waters of the Gulf of Mexico along and across any of the bays on the coast of this State to the mainland, for the purposes of navigation and transportation, and for the construction, owning, and operating docks on the coast of this State for the protection and accommoda-



tion of ships, boats, and all kinds of vessels for navigation, and their cargoes.

Article 644b. Every such channel corporation shall, in addition to the powers herein conferred, have power:

1. To cause such examination and survey for its proposed channel to be made as may be necessary to the selection of the most advantageous route for such purpose, by its officers, agents, or servants, to enter upon any of the waters of such bays, and upon any of the lands of this State or of any person.

2. To take and hold such voluntary grant of real estate and other property as shall be made to it to aid in the construction and maintenance of its deep water channel, and works pertinent thereto.

3. To construct its channel across, along, through, or upon any of the waters of the bays within the jurisdiction of this State, and so far into the mainland as may be necessary to reach a place for its docks that will afford security from cyclones, storms, swells, and tidal waves, with such depth as may suit its convenience and the wants of navigation, not less than ten feet, and a width of not less than forty feet.

4. To furnish to vessels and boats, adapted to the purpose, facilities for navigating in and along the entire length of its channel, and to charge and collect a toll therefor, to be prescribed and established by its by-laws, not to exceed one cent per barrel bulk of the capacity of each vessel, for each mile of the length of its channel used by the vessel going either way.

5. To borrow such sums of money as may be necessary for constructing, finishing, or operating its channel, and to issue and dispose of its bonds for any amount so borrowed, and to mortgage its corporate property and franchises to secure the payment of any debt contracted for the purposes aforesaid: Provided, That damages for any property appropriated by such corporation shall be assessed and paid for as is provided for in case of railroads.

6. To enter upon and condemn and appropriate any lands of any person or corporation that may be necessary for the uses and purposes of such channel corporation; the damages for any property thus appropriated to be assessed and paid for in the same manner as provided by law in the case of railroads: Provided, That no damages shall be assessed against or paid by it for any portion of the route of its channel embraced within and covered by the waters of any bay on the coast of this State, nor for any portion of any island belonging to the State, that may be requisite and necessary to the construction and successful operation of its channel: And provided further, That its right of way shall be the actual width of its channel, and not more than three hundred feet in width on each side of it: Provided, That when the land sought to be condemned under this act is arable land, such right of way shall not extend further than one hundred and fifty feet on each side from the edge or boundary of said channel.

7. To construct, own, and operate its channel so far into the waters of the Gulf of Mexico as may be necessary to obtain an adequate depth of water at its gulf entrance to facilitate the ingress and egress of such vessels as may navigate the same, in so far as this State may have the power to grant such right, which shall be in subordination to that of the Government of the United States in as far as that government has the constitutional power to control the same.

Article 644c. Every such dock corporation shall, in addition to the powers heretofore conferred, have power:

1. To purchase, take, and hold such land or real estate as shall be necessary for the construction and operation of its docks, approaches, entrances,

moorings, and ways; and the construction, use, and enjoyment of such warehouses, stores, and sheds as may be necessary to the receiving and discharging of freights, goods, wares, and merchandise, and the proper protection and preservation thereof: Provided, That no such dock corporation shall ever have the right or power to take or condemn to its use any private property without the free consent of the owner thereof, expressed by sufficient deed in writing.

2. To construct its dock, or docks, in such manner and of such size and depth as it may deem meet and proper to suit the convenience of such vessels as may see fit to use and occupy the same, and to collect from the vessels using the same, or from their masters, owners, or consignees, such sum or sums for the use thereof as may be authorized by its by-laws and agreed to by such masters, owners, or consignees.

3. To borrow such sums of money as may be necessary for constructing, completing, or operating its dock or docks, and to issue and dispose of its bonds for such amount so borrowed, and to mortgage its corporate property and franchises to secure the payment of any debt contracted for the purposes aforesaid.

Article 644d. Every such corporation shall, in addition to the powers heretofore conferred, have power:

1. To purchase, take, and hold such land or real estate as shall be necessary for the construction, maintenance, and operation of its harbor approaches, entrances, and ways thereto, and the construction of wharves piers, and warehouses.

2. To construct, own, and maintain its harbor by building piers and breakwaters so far into the gulf as may be necessary to obtain sufficient depth of water to facilitate the ingress and egress, and the safety while in port of such vessels as may enter the same, in so far only as the State may have the power to grant such right, which, however, shall be exercised subject and in subordination to the Government of the United States in as far as it may have constitutional power to control the same.

3. To provide facilities to vessels and boats entering its harbor for anchorage, receiving and discharging cargoes and passengers, and to charge and collect fair and reasonable tolls and wharfage therefor, to be prescribed by its by-laws.

4. To borrow money in such amounts and on such terms as may be necessary for constructing and finishing or operating its harbor or piers, and to issue and dispose of its bonds for any amount so borrowed, and to mortgage its corporate franchises to secure the payment of any debt contracted for the purposes aforesaid.

Article 644e. For each and every charter, amendment or supplement thereto, taken out under this chapter, a fee of one hundred dollars shall be paid to the Secretary of State, for the use and benefit of the State, which shall be paid when the charter, amendment or supplement thereto, is filed for record.

Article 644f. All rates, tolls, or charges made by any corporation formed under the provisions of this act shall be subject to the right of the Legislature from time to time to alter, revise, change, or amend.

Sec. 2. Whereas the near approach of the close of this session makes it improbable that this bill can receive its necessary reading on three several days, therefore an imperative public necessity and emergency exists for the suspension of the constitutional rule requiring bills to be read on three several days in each house be suspended, and it is so suspended.

Approved, April 1, 1887.

## APPEALS.

Sec.

1. Substituting lost records in court below after appeals.

Sec.

2. Emergency clause.

CHAP. 101.—[S. B. No. 91.] An Act to amend Article 849, Chapter One, Title 10, of the Code of Criminal Procedure of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 849, Chapter One, of Title 10, of the Code of Criminal Procedure of the State of Texas, be so amended as to hereafter read as follows.

Article 849. The effect of an appeal is to suspend and arrest all further proceedings in the case in the court in which the conviction was had until the judgment of the appellate court is received by the court from which the appeal was taken: Provided, That in cases where, after notice of appeal has been given, the record or any portion thereof is lost or destroyed, it may be substituted in the lower court, if said court be then in session, and when so substituted the transcript may be prepared and set up as in other cases. In case the court from which the appeal is taken be not then in session, the Court of Appeals shall postpone the consideration of such appeal until the next term of said court from which said appeal was taken, and the said record shall be substituted at said term, as in other cases.

Sec. 2. The near approach of the end of this session of the Legislature creates an imperative public necessity that the rule requiring bills to be read on three several days be suspended, and it is so suspended.

Approved, April 1, 1887.

## REGISTRATION.

Sec.

1. Deed recorded in county where land lies—Regulates registration in unorganized counties.

Sec.

2. Emergency clause.

CHAP. 102.—[H. B. No. 548.] An Act to amend Article 4333 of the Revised Civil Statutes as amended by an act approved March 30, 1881.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 4333 of the Revised Statutes, as amended by an act approved March 30, 1881, be so amended as to read hereafter as follows:

Article 4333. All deeds, conveyances, mortgages, deeds of trust, or other written contracts relating to real estate, which are authorized to be recorded, shall be recorded in the county where such real estate or a part thereof is situated; Provided, That all such instruments, when relating to real estate situated in an unorganized county, shall be recorded in the county to which such unorganized county is attached for judicial purposes, in a well bound book, or books, to be kept for that purpose, separately from the records of the county to which it is attached and from other unorganized counties; and it shall be the duty of the clerk or other officer having the custody of such books, when such unorganized county shall be organized, or has been detached therefrom and attached to another county for judicial purposes, to deliver such book, or books, without charge, to the proper officer of such newly organized county, or of the county to which it is attached for judicial purposes, when demanded by him; and where such records have been heretofore kept in separate books, they shall also be delivered in like manner as above, and in each case the same shall become

archives of the county to which it is so delivered. Where such records have not heretofore been kept separately, upon the organization or attachment of such unorganized county to another organized county, a certified transcript from the records of such instruments so recorded shall be obtained by such new clerk or officer, and when so made the same shall in like manner become archives of such newly organized county, or county to which such unorganized county may be attached, as the case may be.

Sec. 2. Whereas the near approach of the close of the session and the great necessity for the passage of this act creates an imperative public necessity and an emergency for the suspension of the constitutional rule requiring bills to be read on three several days in each house, and said rule is so suspended and this act placed upon its final passage.

Approved, April 1, 1887.

### SUTTON AND SCHLEICHER COUNTIES CREATED.

Sec. 1. Creates Sutton and Schleicher Counties out of Crockett County, and declares boundaries thereof.

2. [a] Attaches Sutton to Kimble County for judicial and surveying purposes, and to the Twenty-eighth Senatorial, Eighty-fourth Representative, and Tenth Congressional Districts.

[b] Attaches Schleicher to Menard County for judicial and surveying purposes, and to the Twenty-eighth Senatorial, Eightieth Representative, and Tenth Congressional Districts.

3. Emergency clause.

CHAP. 103.—[H. B. No. 387.] An Act to create the counties of Sutton and Schleicher from the county of Crockett.

Section 1. Be it enacted by the Legislature of the State of Texas. That two new counties, one to be called Sutton County, and one to be called Schleicher County, are hereby created out of the county of Crockett, with boundaries as follows:

Sutton County. Beginning at the northwest corner of the county of Kimble; thence west fifty miles; thence south to the north boundary line of the county of Val Verde; thence east following the said north boundary line of Val Verde County to the northeast corner of same; thence east to the southwest corner of Kimble County; thence north with the west boundary line of said Kimble County to the place of beginning.

Schleicher County: Beginning at the northwest corner of the county of Menard; thence west with the south boundary line of Tom Green County fifty miles; thence south to the northwest corner of Sutton County; thence east with the north boundary line of Sutton County to the southwest corner of Menard County; thence north with the west boundary line of Menard County to the place of beginning.

Sec. 2. [a] That the said county of Sutton shall be attached to the county of Kimble for judicial and surveying purposes, and to the Twenty-eighth Senatorial, Eighty-fourth Representative, and Tenth Congressional Districts for the purposes of representation.

[b] And the county of Schleicher shall be attached to the county of Menard for judicial and surveying purposes, and to the Twenty-eighth Senatorial, Eightieth Representative Districts for purposes of representation.

Sec. 3. Whereas the great distance of the citizens of the proposed new counties from Brackett, the county seat of Kinney County, to which the county of Crockett is now attached for judicial purposes, amounts to a practical denial of justice creates an emergency and an imperative public necessity which requires that the constitutional rule that bills be read on

three several days be suspended, and this act take effect from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 73 yeas, no nays; and passed the Senate by a vote of 26 yeas, no nays.]

Approved, April 1, 1887.

#### LOCAL OPTION.

Sec. 1. Amends Articles 3227, 3228, 3229, 3230, 3233, 3234, 3236, and 3238, of Title 63.

Revised Statutes, and adds Article 3239a thereto.

Article 3239a. Thirty days after an election on local option in a county, etc., any qualified voter therein may contest said election—New election, etc.

CHAP. 104.—[S. B. No. 117.] An Act to amend Articles 3227, 3228, 3229, 3230, 3233, 3234, 3236, and 3238, of Title 63, of the Revised Civil Statutes of the State of Texas; and to add Article 3239a to said title, providing for contesting an election under the local option law.

Section 1. Be it enacted by the Legislature of the State of Texas: That Articles 3227, 3228, 3229, 3230, 3233, 3234, 3236, and 3238, of Title 63, of the Revised Civil Statutes of the State of Texas, be so amended as to read as follows; and that Title 63 of said Revised Statutes be amended by adding thereto Article 3239a, which shall read as follows:

Article 3227. The commissioners court of each county in the State whenever they deem it expedient, may order an election to be held by the qualified voters of said county, or of any justices precinct, town, or city therein, to determine whether or not the sale of intoxicating liquors shall be prohibited in such county, justices precinct, town, or city: Provided, It shall be the duty of said commissioners court to order the election aforesaid whenever petitioned to do so by as many as two hundred voters in any county, or fifty voters in any justices precinct, town, or city, as the case may be.

Article 3228. The preceding article shall not be construed to prohibit the sale of wines for sacramental purposes, nor alcoholic stimulants as medicines in cases of actual sickness, but such stimulants shall only be sold upon the prescription of a regular practicing physician, written in ink, dated and signed by him, and certified on his honor that he (the physician) has personally examined the applicant (naming him), and that he finds him actually sick, and in need of the stimulant prescribed as a medicine: Provided, That a physician who does not follow the profession of medicine as his principal and usual calling, or who is in any way, directly or indirectly, engaged or interested in the sale of such stimulants on his own account, or as the agent, employe, or partner of others, shall not be authorized to give the prescription provided for in this article: And provided further, That no person shall be permitted to sell more than once on the same prescription, nor shall any person be permitted to sell at all on the prescription of a physician not herein authorized to give it, nor on a prescription which is not dated, signed, and certified, as above required: Provided, That every person selling such stimulants upon the prescription herein provided for, shall cancel such prescription by indorsing thereon the word "cancelled," and file the same away.

Article 3229. When the commissioners court, of their own motion, or upon the petition provided for in Article 3227, shall order the election as herein provided for, it shall be the duty of said court to order such election to be held at the regular voting place, or places, within the proposed limits,

upon a day not less than fifteen nor more than thirty days from the date of said order, and the order thus made shall express the object of such election, and shall be held to be prima facie evidence that all the provisions of law necessary to give its validity, or to clothe the court with jurisdiction to make it, have been fully complied with.

Article 3230. The clerk of said court shall post, or cause to be posted, at least five copies of said order at different places within the proposed limits, for at least twelve days prior to the day of election, which election shall be held and the returns thereof made in conformity with the provisions of the general election laws of the State, and by the officers of election appointed and qualified under such laws.

Article 3233. Said court shall hold a special session on the eleventh day after the holding of said election, or as soon thereafter as practicable, for the purpose of opening the polls and counting the votes; and if a majority of the votes cast are "For Prohibition," said court shall immediately make an order declaring the result of said vote, and absolutely prohibiting the sale of intoxicating liquors within the prescribed limits, except for the purposes and under the regulations specified in this title, until such time as the qualified voters therein may at a legal election held for that purpose by a majority vote decide otherwise. And the order thus made shall be held to be prima facie evidence that all the provisions of law have been complied with in giving notice of and holding said election, and in counting and returning the votes and declaring the result thereof.

Article 3234. The order of court declaring the result, and prohibiting the sale of such liquors, shall be published for four successive weeks in some newspaper published in the county wherein such election has been held, which newspaper shall be selected by the county judge for that purpose. If there be no newspaper published in the county, then the county judge shall cause such publication to be made by posting copies of said order at three public places within the prescribed limits of the aforesaid length of time. The fact of publication in either mode shall be entered by the county judge on the minutes of the commissioners court; and entry thus made, or a copy thereof certified under the hand and seal of the clerk of the county court, shall be held sufficient prima facie evidence of such fact of publication.

Article 3236. No election under the preceding articles shall be held within the same prescribed limits in less than two years after an election under this title has been held therein; but at the expiration of that time the commissioners court of each county in the State, whenever they deem it expedient, may order another election to be held by the qualified voters of said county, or of any justices precinct, town, or city therein, for the same purpose: Provided, It shall be the duty of such court to order the election aforesaid whenever petitioned to do so by as many as two hundred voters in any county, or fifty voters in any justices precinct, town, or city, as the case may be, to order an election for the same purpose, which election shall be ordered held, notice thereof given, the votes returned and counted, and the result declared and published, in all respects as provided by this title for a first election; and the order granting such other election, as well as that declaring the result, shall, if prohibition be carried, have the same force and effect, and the same conclusiveness, as are given to them in the case of a first election by the provisions of this title.

Article 3238. The failure to carry prohibition in a county shall not prevent an election for the same from being immediately thereafter held in a justices precinct, town, or city of said county; nor shall the failure to

carry prohibition in a town or city prevent an election from being immediately thereafter held for the entire justices precinct or county in which said town or city is situated; nor shall the holding of an election in a justices precinct in any way prevent the holding of an election immediately thereafter for the entire county in which such justices precinct is situated; but when prohibition has been carried at an election ordered for the entire county, no election on the question of prohibition shall be thereafter ordered in any justices precinct, town, or city of said county until after prohibition has been defeated at a subsequent election for the same purpose, ordered and held for the entire county, in accordance with the provisions of this title; nor in any case where prohibition has carried in any justices precinct shall an election on the question of prohibition be ordered thereafter in any town or city in such precinct until after prohibition has been defeated at a subsequent election ordered and held for such entire precinct.

Article 3239a. At any time within thirty days after the result of the election has been declared, any qualified voter of the county, justices precinct, town, or city in which such election has been held, may contest the said election in any court of competent jurisdiction, in such manner as has been or may hereafter be provided; and should it appear from the evidence that the election was illegally or fraudulently conducted; or that by the action or want of action on the part of the officers to whom was intrusted the control of such election, such a number of legal voters were denied the privilege of voting, as had they been allowed to vote might have materially changed the result; or if it appears from the evidence that such irregularities existed as to render the true result of the election impossible to be arrived at, or very doubtful of ascertaining, the court shall adjudge such election to be void, and shall order the proper officer to order another election to be held, and shall cause a certified copy of such judgment and order of the court to be delivered to such officer upon whom is devolved by law the duty of ordering such election.

Approved, April 1, 1887,

#### DEPARTMENT OF AGRICULTURE, INSURANCE, STATISTICS, AND HISTORY.

##### Sec.

1. Creates Department of Agriculture, Insurance, Statistics and History.
2. Designating title of the commissioner—Providing the seal of office—Clerks, etc.
3. Constitutes the commissioner a member of the Board of Directors of the Agricultural and Mechanical college.
4. Provides for relations of this department with agricultural departments of other governments, etc.

##### Sec.

5. Commissioner shall arrange for collection and publication of agricultural statistics.
6. Duties of assessors when listing for taxes—To collect agricultural data Compensation of assessors—Duties of Comptroller.
7. Prescribing manner and form of publishing and distributing reports and information—Emergency clause.

CHAP. 105.—[H. B. No. 355.] An Act to create a Bureau of Agriculture for the State of Texas, and to add it to the Department of Insurance, Statistics, and History; to properly designate said department and its head, and to prescribe the duties belonging to it relating to agriculture.

Section 1. Be it enacted by the Legislature of the State of Texas: That there is hereby created a Bureau of Agriculture for the State of Texas, and attached to the Department of Insurance, Statistics, and History, which department shall hereafter be known as the Department of Agriculture, Insurance, Statistics, and History, the head or chief officer of which department shall be styled the Commissioner of Agriculture, Insurance, Statistics, and History.

Sec. 2. The present Commissioner of Insurance, Statistics, and History shall assume the title named in the foregoing section as his official designa-

tion; he shall change the seal of his department so as to conform thereto, by inserting in it the words "Department of Agriculture, Insurance, Statistics, and History of the State of Texas," or an intelligible abbreviation thereof; and shall at once assume, in addition to his present duties, those imposed by this act relating to agriculture; and shall have the power to appoint a clerk, or clerks,, as the additional labor of his department may require: Provided, No clerk so appointed shall receive more than twelve hundred dollars per annum.

Sec. 3. The Commissioner shall be ex officio a member of the Board of Directors of the Agricultural and Mechanical College of the State, and shall be allowed pay for all necessary expenses in attending on its meetings. His connection with said Board of Directors shall date from the time the first vacancy occurs after this act becomes a law.

Sec. 4. The Commissioner shall, at as early day as practicable, place his department in correspondence with the Department of Agriculture at Washington City, and with the Departments of Agriculture of the several States and Territories of the United States, and, at his option, with those of foreign countries and the representatives of the United States in foreign countries, with the view to gathering facts and information that will aid and advance the interest of agriculture in Texas; he may also, for the same purpose, open correspondence with such organizations, societies, and associations in the State, having for their object the promotion of agriculture in any of its branches, as he may choose, as well as such individuals as he may select in various parts of the State.

Sec. 5. It shall be the duty of the Commissioner to arrange and adopt some plan for collecting and publishing agricultural and farm statistics, in connection with his annual report, in such form and numbers as he may deem best or the condition of the department will permit; and to that end he shall, before the first day of January in each year, furnish the tax assessors of the several counties in the State with the necessary blanks, together with such instructions as will properly direct them in that work.

Sec. 6. It shall be the duty of tax assessors when listing property for taxes to also call on all taxpayers in their respective counties for necessary facts and information for filling out the blanks; they shall receive such compensation for this service as may be allowed by the commissioners court, one-half to be paid by the State and one-half by the county, to be paid in the same manner that the fees for assessing State and county taxes are now paid; and when any assessor fails or refuses to comply with the provisions of this act and the instructions of the Commissioner, the Comptroller shall, on notice from the Commissioner, withhold the pay due such assessor for assessing the State taxes of his county until notified by the Commissioner that such assessor has complied with the law.

Sec. 7. The annual reports of the Commissioner shall be distributed through the State, and in such manner as the Commissioner may deem best, and he may, whenever the means of the department will allow and the interest of agriculture requires, take the necessary steps for publishing semi-annual or quarterly reports of the condition of the crops, stock, and other matters relating to this department, and distribute the same in such manner as he may think will best promote the public good.

The near approach of the close of the session creates a public necessity and emergency demanding the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended.

Approved April 1, 1887.



## LAND DISTRICTS.

## Sec.

1. Martin, Andrews, and Gaines Counties to constitute Martin Land District—Surveyor of, etc.
2. Scurry, Kent, and Garza to constitute Scurry Land District—Surveyor of, etc.
3. Crosby, Dickens, Motley, Floyd, Hale, Llano, Bailey, Cochran, Hockley, and Lubbock to constitute Crosby Land District—Surveyor of, etc.

## Sec.

4. Knox and King to constitute the Knox Land District—Surveyor of, etc.
5. Duty of Commissioner of Land Office to supply district surveyors with maps, field notes, etc.
6. Repealing clause.
7. Emergency clause.

CHAP. 106.—[H. R. No. 602.] An Act to create the Martin, Scurry, Crosby, and Knox Land Districts.

Section 1. Be it enacted by the Legislature of the State of Texas: That the counties of Martin, Andrews, and Gaines, be and the same are hereby constituted the Martin Land District; and the county surveyor of Martin County shall be the surveyor for said district, and he shall keep his office in the county site of Martin County, and the records of all files and surveys in said district shall be kept in his office.

Sec. 2. The counties of Scurry, Kent, and Garza, be and the same are hereby constituted the Scurry Land District; and the county surveyor of Scurry County shall be the surveyor for said district, and he shall keep his office in the county site of Scurry County, and the records of all files and surveys in said district shall be kept in his office.

Sec. 3. The counties of Crosby, Dickens, Motley, Floyd, Hale, Llano, Bailey, Cochran, Hockley, and Lubbock, be and the same are hereby constituted the Crosby Land District; and the county surveyor of Crosby County shall be the surveyor for said district, and he shall keep his office in the county site of Crosby County, and the records of all files and surveys in said district shall be kept in his office.

Sec. 4. The counties of Knox and King be and the same are hereby constituted the Knox Land District; and the county surveyor of Knox County shall be the surveyor of said district, and he shall keep his office in the county site of Knox County, and the records of all files and surveys in said district shall be kept in his office.

Sec. 5. It shall be the duty of the Commissioner of the General Land Office, immediately after this act takes effect, to furnish the district surveyors of the said several districts with certified copies of all maps, field notes, and sketches of all surveys in said districts not heretofore recorded therein, which shall be filed in the said surveyor's office, and shall be public archives thereof.

Sec. 6. All laws and parts of laws in conflict herewith be and the same are hereby repealed.

Sec. 7. The great distance from most of the said counties to an authorized surveyor's office, and the inconvenience to which parties desiring surveys to be made are put, creates an imperative public necessity, and an emergency exists requiring that the constitutional rule requiring bills to be read on three several days in each house be suspended, and it is so suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 76 yeas, no nays; and passed the Senate by a vote of 24 yeas, no nays.]

Approved, April 1, 1887.

GREER COUNTY—FOR CANCELLATION OF PATENTS IN, ETC.

Sec.

1. Commissioner of General Land Office required to issue certificates to patentees of lands in Greer County.
2. Certificates to issue to owner of patents—Saving clause as to suits for cancellation of patents in.

Sec.

3. New certificates to be for same amount of land as old—They may be located as other donations—Conditions to be incorporated therein, etc.
4. Emergency clause.

CHAP. 107.—[S. S. B. No. 200.] An Act to authorize the holders and owners of patents issued to lands in Greer County and other reservations to surrender their patents for cancellation, and to authorize the Commissioner to issue new certificates in such cases.

Whereas many patents have been issued, by virtue of veteran certificates, to lands in Greer County; and whereas said lands were located under the construction by the Commissioner of the General Land Office of the act reserving from location the lands embraced within the territorial limits of the county of Greer; Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas: That the Commissioner of the General Land Office be and is hereby authorized and required to issue a certificate to the patentee or assignee of each patent issued to lands in Greer County and other reservations by virtue of veteran certificates; and said certificates shall be issued upon the conditions hereinafter provided.

Sec. 2. The said certificate shall in all cases issue to the owner of the patent, whether the owner be the original grantee, the patentee, or the assignee; but said owner shall first file with the Commissioner of the General Land Office a complete chain of title from the original grantee, and said owner shall also surrender his patent to the Commissioner of the General Land Office, whose duty it shall be to cancel said patent and the certificate by virtue of which it issued: Provided, That nothing in this act shall be construed as requiring or authorizing the Attorney-General to dismiss any suit now pending for the cancellation of said patents, nor to prevent him from bringing other suits for such purposes.

Sec. 3. The certificates hereinafter provided to be issued shall be for the same quantity of land as called for in the patent cancelled, and shall be located in the same manner and way as veteran donation certificates issued under the veteran act of 1881 could be located, and patented as in other cases; and the Commissioner of the General Land Office shall charge no fees for the issuance of the certificates and patents: Provided, if no unappropriated public domain can be found on which to locate said certificates, the parties to whom said certificates are issued shall have no further claim upon the State by reason of anything contained in this act: And provided further, That this provision shall be incorporated on the face of such certificate: Provided, That said certificates shall not be located on any lands heretofore forfeited, or that may hereafter be forfeited, to the State by any railroad company, nor any of the lands that are or may be reserved from location: And provided, That said patents be returned to the Land Commissioner and be by him cancelled, and new certificates be issued therefor as hereinbefore provided, on or by the first day of January, 1888, and no new certificates shall be issued after that time.

Sec. 4. The near approach of the close of the present session of the Legislature, and the doubtful validity of patents issued to lands in Greer County, creates an imperative public necessity and an emergency that the constitutional rule requiring that all bills be read on three several days be suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the Senate, and passed the same

by a vote of 27 yeas, 3 nays; and passed the House by a vote of 62 yeas, 13 nays.]

Approved, April 1, 1887.

#### COSTS AND SECURITY THEREFOR.

Sec. 1. Amends Article 1420, Chapter 20, Title 29, Revised Statutes, concerning demanding costs up to adjournment of terms of court.

CHAP. 108.—[S. B. No 325.] An Act to amend Article 1420, Chapter 20, Title 29, of the Revised Civil Statutes of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 1420, Chapter 20, Title 29, of the Revised Civil Statutes, be so amended as to hereafter read as follows:

Article 1420. Each party to any suit shall be responsible to the officers of the court for the costs incurred by himself; and no sheriff or constable shall be compelled to execute any process in civil cases coming from any county other than the one in which he is an officer; unless the fees allowed him by law for the service of such process shall be paid in advance: Provided, That when affidavit is filed, as provided for in Article 1438 of this chapter, the clerk issuing the process shall endorse thereon the words "pauper oath filed," and sign his name officially below them, and the sheriff or constable in whose hands such process is placed for service shall serve the same as in other cases.

Sec. 2. The near approach of the end of this session of the Legislature creates an imperative public necessity that the rule requiring bills to be read on three several days be suspended, and it is so suspended.

Approved April 2, 1887.

#### FOR THE APPOINTMENT OF PRO TEM. DISTRICT AND COUNTY CLERKS.

Sec.

1. For the appointment of clerks pro tem. in cases where clerks are interested.
2. Prescribing bond and oath for such appointees.

Sec.

3. Duties of person so appointed.
4. Emergency clause.

CHAP. 109.—[S. B. No. 191.] An Act to provide for the appointment of district and county clerks pro tem. in certain cases.

Section 1. Be it enacted by the Legislature of the State of Texas: That in all cases wherein any district or county clerk in this State is, or shall hereafter be, a party to any pending or proposed suit, motion, or proceeding in their respective courts, the district or county judge in whose court the same may be pending or proposed shall, either in term time or in vacation, on application of any person interested, or of his own motion, appoint a clerk pro tem. for the purposes of such suit, motion, or proceeding.

Sec. 2. Any person so appointed clerk shall take the oath to faithfully and impartially perform the duties of such appointment, and shall also enter into bond, payable to the State of Texas, with one or more good and sufficient sureties, in such amount as may be required by the judge, to be approved by him, and conditioned for the faithful performance of his duties under such appointment.

Sec. 3. The person so appointed shall perform all the duties required by law of the clerk in the particular suit, motion, or proceeding in which he may be appointed.

Sec. 4. The near approach of the close of the present session rendering

it impracticable to read this bill on three several days, creates an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days be suspended, and it is accordingly so enacted.

Approved April 2, 1887.

# PRIVATE CORPORATIONS.

Sec.

1. Amends Article 568, Revised Statutes, concerning creation of corporations.

Sec.

2. Emergency clause.

CHAP. 110.—[S. B. No. 134.] An Act to amend Article 568, Title 20, Chapter 2, of An Act to adopt and establish the Revised Civil Statutes of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 568, of Title 20, Chapter 2, of An Act to adopt and establish the Revised Civil Statutes of the State of Texas, be and the same is hereby amended so as to hereafter read as follows:

Article 568. The charter of an intended corporation must be subscribed by three or more persons, two of whom at least must be citizens of this State, and must be acknowledged by them before an officer duly authorized to take acknowledgment of deeds: Provided, That all charters for the purposes named in clauses 2 and 3 of Article 566 of this chapter and title may be subscribed by married women, who may also be stockholders, officers, and directors thereof; and their acts, contracts, and deeds shall be as binding and effective for all purposes of said corporation as if they were males, and the joinder and consent of their husbands and privy examinations separate and apart from them shall not be required.

Sec. 2. Whereas there is now in the city of Dallas a "Home for Sick Women," which cannot be properly organized because of the inability of married women to become incorporators and officers thereof, and because in many other places similar charities, much needed, cannot be organized for the same cause, a public emergency exists; therefore be it further enacted that this bill shall take effect from and after its passage.

Approved, April 2, 1887.

# REGULATING TIDE WATER FISHING.

Sec.

1. Regulating the emptying of fish nets, etc.  
2. Provides for tide-water pre-emptions for oyster beds, and protection of pre-emptor from trespass.  
3. Prohibits taking oysters from May 1 until August 5.

Sec.

4. To prohibit the taking and sale of ungrown crabs and shrimp.  
5. Prescribes penalties for violating the provisions of this act.

CHAP. 111.—[S. S. B. No. 195.] An Act to regulate the time and manner of taking and catching fish, oysters, crabs, and shrimp within the limits of the bays and tributaries within the limits of Texas, up to tide water, and also from the waters of the Gulf of Mexico along the coast of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That it shall not be lawful for any person or persons, who take, capture, or catch fish in the waters of any of the bays or any of the tributaries of tide water within the limits of Texas, or from the waters of the Gulf of Mexico along the coast of Texas, by seines, drag-nets, set-nets, fish-baskets, fish-pots, weirs, pound-nets, fykes, or any other means or contrivance whatsoever, which is now known or used in the capturing or destroying of fish, or which may hereafter be invented for that purpose, to empty their seines, drag-nets, set-nets, fish-baskets, fish-pots, weirs, pound-nets, fykes, or any other means or contrivance used, or which may hereafter be used, for capturing and catch-

ing fish, on the beach or shores, at any time whilst so fishing, as to leave the smaller fish to perish, but to empty the same in water of sufficient depth that the smaller fish may live and grow: Provided, That all fish not over eight inches in length shall be emptied back into water of sufficient depth to live and grow, croakers excepted.

Sec. 2. That any person who is an actual bona fide citizen of the State may pre-empt, within any of the bays, bayous, and tide water tributaries situated in this State, five hundred and thirty-eight yards square, and fence off or stake off the same for the purpose of planting oyster beds; and such person so staking off or fencing as aforesaid shall be protected in his possession thereof against trespass thereon in like manner as freeholders are protected in their rights, and shall have ownership for twelve years after so staking or fencing off, and filing with the county clerk his pre-emption: Provided, That no person, firm, or corporation shall pre-empt within the waters of this State under this act nearer than the extreme low water mark in front of the shore or water front of another without the consent of the owner of such shore or water front: And provided further, That this act shall not in any manner whatever affect or interfere with the riparian proper right of land owners.

Sec. 3. That it shall not be lawful for any person or persons to take, capture, or catch oysters within any of the waters that are free within the limits of this State, by any means whatever, from the first day of May to the twenty-fifth day of August: And Provided, That no oyster less than one and one-half inches in length "net" shall be caught or offered for sale.

Sec. 4. That it shall not be lawful for any person or persons to take, capture, or catch, by any means whatever, within any of the waters of this State, and offer them for sale, either crab or shrimp, except those that are grown; and whenever, in capturing or catching crabs and shrimps, any caught not grown shall be emptied back into water of sufficient depth that they may live and grow.

Sec. 5. That any person or persons who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars: Provided, That all fines so collected shall be paid into the common school fund in each county where such conviction is had.

Approved, April 2, 1887.

#### TRIAL OF RIGHT OF PROPERTY.

Sec.

1. Amends Articles 4823 and 4843, Revised Civil Statutes, concerning trial of right of property.

Sec.

2. Emergency clause.

CHAP. 112.—[S. B. No. 268.] An Act to amend Articles 4823 and 4843 of the Revised Civil Statutes of the State of Texas, in relation to trials of the right of property.

Section 1. Be it enacted by the Legislature of the State of Texas: That Articles 4823 and 4843 of the Revised Civil Statutes of the State of Texas be so amended as to hereafter read as follows:

Article 4823. He shall also execute and deliver to the officer who made such levy, his bond, with two or more good and sufficient sureties, to be approved by such officer, payable to the plaintiff in such writ, for an amount equal to double the value of the property so claimed to be assessed by such officer: Provided however, That when more than one writ has been levied said bond may be made payable to all the plaintiffs in the several writs levied. Said bond shall inure to the benefit of all the plaintiffs in the sev-

eral writs according to their respective priorities in time of levy. Upon the approval of such bond and delivery of the property to the claimant, the same shall be deemed in custodia legis, and shall not be taken out of his possession by any other like writ or writs, but said writs may be levied on the same by giving notice to the claimant, and in such cases the claimant's bond shall also inure to the benefit of the several plaintiffs in such writs according to their respective priorities.

Article 4843. In all cases where any claimant of property under the provisions of this title shall fail to establish his right thereto, judgment shall be rendered against him and his sureties for the value of the property, with legal interest thereon from the date of such bond. Such judgment shall be rendered in favor of the plaintiff in the writ, or of the several plaintiffs if more than one, and shall fix the amount of each plaintiff's claim; and in case such judgment should not be satisfied by a return of the property as provided in Article 4845, then execution shall issue thereon in the name of the plaintiff for the amount of his claim, or of all the plaintiffs for the sum of their several claims, provided the amount of such judgment exceed such claim or sum; and in such cases the excess of such judgment shall inure to the benefit of any person who shall show superior right or title to the property claimed as against the claimant; but if such judgment be for a less amount than the sum of the several plaintiff's claims, then the respective rights and priorities of the several plaintiffs shall be fixed and adjusted in the judgment.

Sec. 2. The near approach of the close of the present session rendering it impracticable to read this bill on three several days, creates an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days be suspended, and it is accordingly so enacted.

Approved, April 2, 1887.

#### SKINNING CATTLE, ETC.

Sec. 1. Amends Article 765, Chapter 13, Title 17, Penal Code, prescribing penalties for skinning cattle, etc.

CHAP. 113.—[S. B. No. 222.] An Act to amend Articles 765, Title 17, Chapter 13, of the Penal Code of the State of Texas, and to add thereto Articles 765a and 765b.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 765, of Title 17, Chapter 13, of the Penal Code of the State of Texas, be amended so as to read hereafter as follows:

Article 765. If any person shall remove the hide, or any part thereof, from any cattle not his own, and without the consent of the owner, he shall be fined in a sum not less than twenty nor more than one hundred dollars; and the removal of each separate hide from each animal shall constitute a separate offense.

Article 765a. If any person shall be found in possession of any hide of any cattle not his own, and possession of said hide is obtained without the consent of the owner or his legal representative, he shall be fined in a sum not less than twenty nor more than one hundred dollars.

Article 765b. If any person be found in possession of any hide of any cattle with brand cut out or disfigured, and shall offer the same for sale, he shall be fined in a sum not less than twenty nor more than one hundred dollars, and the possession and offer of sale of each hide with the brand cut out or disfigured shall constitute a separate offense: Provided, That nothing in this act shall prevent any person who shall be guilty of the offense of theft of such hide from being prosecuted and convicted for such offense.

Sec. 2. The near approach of the end of the session of the Legislature

creates an imperative public necessity that the rule requiring bills to be read on three several days be suspended, and it is so suspended.

Approved, April 2, 1887.

#### FIFTH JUDICIAL DISTRICT.

##### Sec.

1. Prescribing counties comprised in said district, and terms of court therein.

##### Sec.

2. Repealing clause.  
3. Emergency clause.

CHAP. 114.—[S. B. No. 284.] An Act to amend Section 5 of an act approved February 6, 1884, entitled "An Act to amend Sections 5, 7, 26, and 39, of an act entitled 'An Act to redistrict the State into judicial districts, and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884,' " approved April 9, 1883.

Section 1. Be it enacted by the Legislature of the State of Texas: That Section 5 of an act approved February 6, 1884, entitled "An Act to amend Sections 5, 7, 26, and 39, of an act entitled An Act to redistrict the State into judicial districts, and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884," approved April 9, 1883, be so amended as to hereafter read as follows, to-wit:

Section 5. The Fifth Judicial District shall be composed of the counties of Bowie, Cass, Marion, Morris, Titus, Franklin, and Camp, and the district courts therein shall be held as follows:

In the county of Cass on the first Monday in February and the fourth Monday in August, and may continue in session four weeks.

In the county of Bowie on the fourth Monday after the first Monday in February, and the fourth Monday in August, and may continue in session four weeks.

In the county of Morris on the eighth Monday after the first Monday in February, and the fourth Monday in August, and may continue in session two weeks.

In the county of Titus on the tenth Monday after the first Monday in February, and the fourth Monday in August, and may continue in session two weeks.

In the county of Franklin on the twelfth Monday after the first Monday in February, and fourth Monday in August, and may continue in session two weeks.

In the county of Camp on the fourteenth Monday after the first Monday in February, and the fourth Monday in August, and may continue in session three weeks.

In the county of Marion on the seventeenth Monday after the first Monday in February, and fourth Monday in August, and may continue in session five weeks.

Sec. 2. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Sec. 3. The near approach of the close of the session of the present Legislature creates an imperative public necessity and emergency for the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect and be in force on and after the first day of August, A. D. 1887, and it is so enacted.

[Note.—The foregoing act originated in the House, and passed the same by a two-thirds vote; and passed the Senate by a two-thirds vote.]

Approved, April 2, 1887.

PUBLIC LANDS—CORRECTION OF SURVEYS.

Sec.

1. The Commissioner of the General Land Office authorized to have surveys corrected—To that end may appoint surveyor.
2. State surveyor's bond—Duties of, etc.

Sec.

3. Further prescribing powers of the Commissioner of Land Office.
4. Emergency clause.

CHAP. 115.—[H. B. No. 569.] An Act to provide for ascertaining and correcting conflicts and errors in surveys of lands made for the Common School, University, or Asylum Funds, or other lands in which the State may be interested; to provide for the resurvey of same, and for patenting and repatenting surveys in certain cases.

Section 1. Be it enacted by the Legislature of the State of Texas: That for the purpose of ascertaining the conflicts and errors in and making proper corrections of surveys of lands made for the common school, university, or asylum funds, or other surveys in which the State may be interested, directly or indirectly, in cases where from discrepancies or imperfections in field notes it may become necessary for the proper compilation of maps, or for the proper location and identification of said lands upon the ground, the Commissioner of the General Land Office is hereby invested with full power and authority to have such surveys made as he may deem necessary, and to appoint competent surveyors for this purpose.

Sec. 2. Any surveyor appointed under the provisions of this act shall make and execute a bond in the sum of ten thousand dollars, conditioned and payable the same as bonds of county and district surveyors; he shall also take the oath prescribed by the Constitution for other officers; said bond to be approved by the Commissioner of the General Land Office, and shall be conditioned as other surveyors' bonds. He shall be under the control and direction of the Commissioner of the General Land Office, and under such direction may survey the common school, university, and asylum lands, or other lands in which the State may be interested, and prepare and return field notes of same, and certify to any and all facts, and generally do and perform such official acts as might lawfully be done by a county or district surveyor, and shall sign his name officially as "State Surveyor."

Sec. 3. The Commissioner of the General Land Office may have any lands belonging to the common school, university, or asylum funds, or other lands in which the State may be interested, or lands alternating therewith, surveyed or resurveyed, and field notes or corrected field notes of same returned to his office, by any surveyor appointed under this act, which field notes shall have the same force and effect as if made by the county or district surveyor of the county or district in which said land lies; and upon the adoption and approval of said field notes by the Commissioner of the General Land Office, he shall forward to the surveyor of the county or district in which said land lies, certified copies of said field notes, which thereafter shall be a part of the records of said surveyor's office. In carrying out the provisions of this act the Commissioner of the General Land Office may, when requested by the owner of lands alternating with the lands resurveyed under the provisions of this act, cancel patents, and in lieu thereof issue patents in accordance with said resurvey: Provided, That all such owners shall pay the expenses incurred in making such corrected surveys of their lands and in issuing said patents: Provided, That no claim shall be created against the State for services performed under this act in the absence of a previous appropriation therefor.

Sec. 4. Whereas the near approach of the close of the present session of the Legislature, and the fact that no law is now in existence on this subject, an imperative public necessity requires the suspension of the constitutional rule requiring bills to be read on three several days, and it is sus-



pending, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 58 yeas, 28 nays; and passed the Senate by a vote of 23 yeas, 3 nays.]

Approved, April 2, 1887.

## SUNDAY LAW.

### Sec. 1. Amending the Sunday law—Additional Exemptions.

CHAP. 116.—[H. B. No. 128.] An Act to amend Article 183 of the Penal Code of the State of Texas, and to amend an act entitled "An Act to amend Article 186 of the Penal Code," approved April 10, A. D. 1883, Chapter 2, Title 7, and to amend said chapter and title by adding thereto Article 186a, providing additional exemptions from the operation of the Sunday law.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 183 of the Penal Code of the State of Texas, and that An Act to amend Article 186 of the Penal Code, approved April 10, A. D. 1883, be amended so as hereafter to read as follows:

Article 183. Any person who shall hereafter labor, or compel, force, or oblige his employes, workmen, or apprentices to labor, on Sunday, or any person who shall hereafter hunt game of any kind whatsoever on Sunday within one-half mile of any church, school house, or private residence, shall be fined not less than ten nor more than fifty dollars.

Article 186. Any merchant, grocer, or dealer in wares or merchandise, or trader in any business whatsoever, or the proprietor of any place of public amusement, or the agent or employe of any such person, who shall sell or barter, or permit his place of business or place of public amusement to be open for purpose of traffic or public amusement, on Sunday, shall be fined not less than twenty nor more than fifty dollars. The term place of public amusement, shall be construed to mean circuses, theatres, variety theatres, and such other amusements as are exhibited and for which an admission fee is charged; and shall also include dances at disorderly houses, low dives, and places of like character, with or without fees for admission.

Article 186a. The preceding article shall not apply to markets or dealers in provisions as to sales of provisions made by them before 9 o'clock a. m., nor to the sale of burial or shrouding material, newspapers, ice, ice-cream, milk, nor to the sending of telegraph or telephone messages at any hour of the day, nor to keepers of drug stores, hotels, boarding houses, restaurants, livery stables, barber shops, bath houses, or ice dealers, nor to telegraph or telephone offices.

Approved, April 2, 1887.

## JUDICIAL DISTRICTS—THIRTY-FOURTH.

Sec.

1. Counties comprised in Thirty-fourth Judicial District, and terms of court thereof.

Sec.

2. Writs and process, returns of.

CHAP. 117.—[S. S. H. B. No. 357.] An act to amend an act approved February 27th, 1885, entitled An Act to amend Section 34 of an act entitled An Act to redistrict the State into judicial districts, and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved April 9th, 1883.

Section 1. Be it enacted by the Legislature of the State of Texas: That Section 34 of an act entitled An Act to redistrict the State of Texas into

judicial districts, and fix the times for holding the courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved April 9th, 1883, and an act amendatory thereof, approved February the 27th, 1885, be so amended as to hereafter read as follows:

Section 34. The Thirty-fourth Judicial District shall be composed of the counties of El Paso, Reeves, and Presidio, and the district courts shall be held therein at the times as follows:

In the county of Reeves on the first Mondays in March and September, and may continue in session two weeks.

In the county of Presidio on the second Mondays after the first Mondays in March and September, and may continue in session two weeks.

In the county of El Paso on the fourth Mondays after the first Mondays in March and September and may continue in session until the business is disposed of.

Sec. 2. That all writs and process returnable to the said courts shall be returnable to the terms of the said courts as herein fixed; and all such writs and process as have been issued, executed, and returned, shall be as valid as if no change had been made in the time of holding said courts by the passage of this act.

Sec. 3. The near approach of the close of the session creates an emergency which demands the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended.

Approved, April 2, 1887.

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#### TAXATION.

Sec.

1. Adds Article 4676a, concerning assessment of live stock.

Sec.

2. Emergency clause.

CHAP. 118.—[S. B. 303.] An Act to amend Chapter 2, Title 96, of the Revised Civil Statutes of the State of Texas, by adding thereto Article 4676a, providing for the assessment of live stock in pastures in the several counties in which such pastures are situated.

Section 1. Be it enacted by the Legislature of the State of Texas: That Chapter Two, Title Ninety-six of the Revised Civil Statutes, be amended by adding thereto Article 4676a, which shall read as follows:

Article 4676a. All persons, companies, and corporations owning pastures in the State which lie on county boundaries, shall be required to list for assessment all live stock of every kind owned by them in said pastures in the several counties in which such pastures are situated, listing in each county such portion of said stock as the land in such county is of the whole pasture. All persons, companies, and corporations owning any kind of live stock not their own, shall list such live stock in the several counties in which such pastures are situated in the same manner, and in both cases the tax assessed upon such live stock shall be paid to the tax collectors of the several counties in which such live stock is listed and assessed.

Sec. 2. The near approach of the close of the session of the Legislature creates an imperative public necessity that the rule requiring bills to be read on three several days should be suspended, and an emergency exists that this act take effect and be in force from and after its passage, and it is so enacted.

Approved, April 2, 1887.

## PROTECTION OF STOCKRAISERS—DESTRUCTION OF WOLVES, ETC.

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| <p><b>Sec.</b></p> <p>1. Prescribes the amounts which may be paid for the killing of wolves, etc.</p> <p>2. Payments to be made by the commissioners court.—Prescribes the proof.</p> | <p><b>Sec.</b></p> <p>3. Commissioners court may reject claim for insufficient proof—Destruction of scalps, etc.</p> <p>4. Emergency clause.</p> |
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CHAP. 119.—[S. B. No. 71.] An Act to protect stockraisers, providing for the destruction of wolves and other wild animals.

Section 1. Be it enacted by the Legislature of the State of Texas: That hereafter when any person shall kill in this State any wolf, either coyote or lobo, panther, Mexican lion, tiger, leopard, or wildcat, he may be paid in the county in which he kills such animal the sum of fifty cents for each coyote wolf, or wildcat, and one dollar for each lobo wolf, and the sum of two dollars for each panther, Mexican lion, tiger, or leopard so killed.

Sec. 2. The commissioners court of any county may order to be paid to the person or persons having killed any of said animals in their respective counties, as fixed in section (1) one of this act, upon their exhibiting the scalps of the animals killed to the county judge of said county, accompanied by the written affidavit of such person, stating when and where he killed said animals, and the kind of each.

Sec. 3. Such scalp shall consist of a sufficient portion of the said animal's hide, including the ears thereof, to determine whether the same has been taken from one of the above named animals; and the commissioners court may in all cases, when it is not satisfied as to the sufficiency of the evidence before it under this act, reject any and all claims. The commissioners court shall destroy all such scalps as soon as practicable.

Sec. 4. Whereas a great number of cattle, sheep, and swine are being destroyed daily throughout the stockraising portion of the State, public policy requires immediate relief; therefore an emergency exists that this act take effect and be in force from and after its passage, and it is so enacted.

Approved, April 2, 1887.

## RAILROADS—DUTIES AND LIABILITIES OF.

Sec. 1. Amends Article 4251, Revised Statutes—Railroads shall draw cars, freight and passengers of other roads without delay or discrimination.

Amends Art. 4252. Defining connecting lines, and prohibiting discrimination.

Amends Art. 4253. Penalty for failure to draw cars, etc.

Amends Art. 4254. Terms to be advertised, and penalty for failure to observe same.

Amends Art. 4255. Recovery of damages to Railroads for refusing to interchange freight, passengers, receive tickets and checks of other companies.

CHAP. 120.—[S. B. No. 256.] An Act to amend Articles 4251, 4252, 4253, 4254, and 4255, of Chapter 10, Title 84, of the Revised Civil Statutes of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Articles 4251, 4252, 4253, 4254, and 4255, of Chapter 10, Title 84, of the Revised Civil Statutes of the State of Texas, be amended so as to hereafter read as follows:

Article 4251. That all railway companies doing business in this State shall be and they are hereby required to receive from all other railway companies with which they may connect at the State line of this State, or at any place within this State, or at any or all places where they may cross the line of any other railway doing business or operating a line of railway in this State, all freights and passengers coming to it from such connecting line and destined to points on its line, or to points beyond its line or any other line of railway with which

said line may connect or cross, and shall transport the same over its said line to destination if on its line, or to the next connecting or cross line in the direction of destination if beyond its line, without delay or discrimination in favor of or against the line from which such freight or passengers are received, and upon the same terms and conditions with those made by such line for like or similar service against any other railway in or out of this State with which it does business: Provided, however, That the words "without delay or discrimination," as used herein, are hereby declared to mean that the freight received for transportation as required herein shall be shipped in the order in which it is received, giving preference in all cases to live stock and other perishable freight in the order received, and the charges for the business required by this act to be interchanged shall be no greater pro rata per cent per mile for freight, and no greater rate per mile for passengers and baggage, than is charged to any other line for transporting like freight and passengers and baggage, or that it accept for itself when transported wholly on its own line, no matter on what part of the line or in what direction the transporting is done.

Article 4252. Whenever any two or more railroads doing business in this State shall connect with each other, by crossing each other's track, or otherwise, so as to form a continuous or connected line from one point in the State to another point in this State, such lines so crossing are hereby declared to be connecting lines; and when such connecting lines receive from any other railway or transportation line passengers or freight for transportation over the combined line at a rate or division agreed upon between themselves and such other railway or transportation line from which the business is received as aforesaid, then in every such case it shall be the duty of such connecting railways forming such through line, and of either or both of them, to receive from every other railway or transportation line with which they or either of them may connect by crossing of track or otherwise, all passengers or freight that may be destined to points on either of the lines making up such combined line, and transport the same to the point of destination if on such combined lines or either of them, or to the next connection or crossing in the direction of the destination of such freight or passengers, without delay or discrimination, and at no greater rate than is paid, and on the same conditions as is or shall be required, by such combined line for like or similar services from any other railway or transportation line with which they or either of them shall interchange business.

Article 4253. Every railroad or person or corporation operating a railway for the carriage of freight and passengers in this State, shall receive freight, passengers, and baggage for transportation to or into this State, or through any part thereof, from every other connecting railway, upon the same terms and conditions as to the division of charges for carrying or transporting the same upon a mileage or any other basis, and upon terms and conditions as to bills of lading, way bills, tickets, coupon tickets, and baggage checks, that any such person or corporation or transportation line may receive or contract to receive from any other person or corporation engaged in like business in this State.

Article 4254. Every railway which may interchange business with any other connecting railway under the provisions of this act or otherwise, is hereby declared to be a trustee for such connecting railway, to the extent of all sums of money received by it for the joint business interchanged between them, and which may properly belong to such other railway. Such sums of money shall be due and payable from one connecting line to the

other once every ninety days; and each connecting railway shall have a lien upon the property and franchises of connecting railways to the extent of balances due each quarter, which lien shall be superior to all other liens upon said property and franchises, save and except laborers' liens, as already provided by law, and may be enforced in any of the courts of this State having jurisdiction by law of the subject matter and of the parties.

Article 4255. If any railway company doing business in this State shall fail or refuse to interchange business with any other railway company; or shall fail or refuse to interchange business on the same terms or for the same pro rata that it interchanges business with any other railway company in this State; or shall fail or refuse to honor or receive the tickets, coupon tickets, way bills, or baggage checks of any connecting railway upon the same terms and conditions that it receives or honors the tickets, coupon tickets, way bills, or baggage checks of any other railway company; or shall violate in any manner any other provisions of this and the four preceding articles, such railway company so offending shall be deemed guilty of discrimination within the meaning of this act, and shall forfeit and pay to the person or corporation aggrieved thereby the sum of one thousand dollars as penal damages for each and every act of discrimination or violation of this act, which may be recovered in a civil action in any of the courts of this State having jurisdiction by law of such an amount, in the name of the person or corporation so suing: Provided, Nothing in this act shall be so construed as to prevent the recovery of any other damages, by any aggrieved person, firm, or corporation, occurring by reason of the violation of this or the four preceding articles, nor to relieve any railway company, or its officers, managers, or agents, from prosecution for the violation of any penal law of the State.

Approved, April 2, 1887.

#### AGRICULTURAL EXPERIMENT STATIONS.

Sec.

1. Assenting to purposes of grant by Congress.

Sec.

2. Emergency clause.

CHAP. 121.—[S. B. No. 349.] An Act to give the assent of the State of Texas to the purposes of a grant of money authorized and appropriated by an act of the Congress of the United States, approved March 2nd, A. D. 1887, and entitled "An Act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2nd, A. D. eighteen hundred and sixty-two, and of the acts supplementary thereto."

Whereas the Congress of the United States, by an act approved March 2, A. D. 1887, and entitled "An Act to establish agricultural experiment stations in connection with colleges established in the several States under the provisions of an act approved July second, eighteen hundred and sixty-two, and of the acts supplementary thereto," has granted to each of the States and Territories of the United States an appropriation of fifteen thousand dollars for the purposes indicated in the title of said act, and fully set forth in the body thereof; and whereas said act in Section 9 thereof provides that the grants of money therein authorized are made subject to the legislative assent of the several States and Territories to the purposes of said grants: Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas: That the State of Texas does hereby assent to the purposes of said grant.

Sec. 2. That the near approach of the close of the present session of the Legislature, rendering it impracticable to read this bill on three several days, and the importance of the subject matter hereof, creates an imperative

public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days, and the same is accordingly so suspended.  
Approved, April 2, 1887.

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APPEALS FROM JUSTICES COURT.

Sec. 1. Allows ten days to make proof of inability to pay costs, etc.

CHAP. 122.—[S. B. No. 240.] An Act to amend Article 1639a of An Act to amend Title 32, Chapter 17, of the Revised Civil Statutes of the State of Texas, approved April 14th, A. D. 1883.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 1639a be and is hereby amended so as to read hereafter as follows:

Article 1639a. Where the appellant is unable to pay the costs of appeal, or to give security therefor, he shall nevertheless be entitled to prosecute his appeal; but in order to do so he shall be required to make strict proof of his inability to pay the costs, or any part thereof. Such proof shall be made before the county judge of the county where such party resides, or before the court trying the same, at any time within ten days from and after the date of the judgment rendered therein, and shall consist of the affidavit of said party, stating his inability to pay the costs, which affidavit may be contested by any officer of the court or party to the suit; whereupon it shall be the duty of the court trying the case, or the justice of the peace of the precinct in which said case was tried, or the county judge of the county in which the suit is pending, to hear evidence and to determine the right of the party to his appeal.

Approved, April 2, 1887.

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RAILROADS—RELATIONS WITH EXPRESS COMPANIES.

Sec.

1. Railroad Companies shall furnish equal facilities and rates to express companies, etc.

Sec.

2. Liable in damages for failure to comply with this act, and are subject to mandamus.

3. Emergency clause.

CHAP. 123.—[S. B. No. 115.] An Act to compel all railroads operating in the State to furnish reasonable and equal facilities and accommodations to all corporations and persons engaged in express business, for transportation of themselves, agents, servants, merchandise, and other property.

Section 1. Be it enacted by the Legislature of the State of Texas: That every railroad company operating a railroad within this State shall furnish reasonable and equal facilities and accommodations, and upon reasonable and equal rates, to all corporations, and persons engaged in the express business, for the transportation of themselves, agents, servants, merchandise, and other property, and for the use of their cars, depots, buildings, and grounds, and for exchanges at points of junction with other roads.

Sec. 2. Any railroad company which shall fail to comply with the provisions hereof, shall be liable to the aggrieved party, in an action on the case, for damages, and such railway company, in addition to liability to said action for damages, shall be subject to a writ of mandamus, to be issued by any court of competent jurisdiction, to compel compliance with the provisions of section (1) of this act, and the said writ of mandamus shall issue at the instance of any party or corporation aggrieved by a violation hereof, and any violation of said writ shall be punishable as a contempt.

Sec. 3. The near approach of the close of the present session rendering

other once every ninety days; and each connecting railway shall have a lien upon the property and franchises of connecting railways to the extent of balances due each quarter, which lien shall be superior to all other liens upon said property and franchises, save and except laborers' liens, as already provided by law, and may be enforced in any of the courts of this State having jurisdiction by law of the subject matter and of the parties.

Article 4255. If any railway company doing business in this State shall fail or refuse to interchange business with any other railway company; or shall fail or refuse to interchange business on the same terms or for the same pro rata that it interchanges business with any other railway company in this State; or shall fail or refuse to honor or receive the tickets, coupon tickets, way bills, or baggage checks of any connecting railway upon the same terms and conditions that it receives or honors the tickets, coupon tickets, way bills, or baggage checks of any other railway company; or shall violate in any manner any other provisions of this and the four preceding articles, such railway company so offending shall be deemed guilty of discrimination within the meaning of this act, and shall forfeit and pay to the person or corporation aggrieved thereby the sum of one thousand dollars as penal damages for each and every act of discrimination or violation of this act, which may be recovered in a civil action in any of the courts of this State having jurisdiction by law of such an amount, in the name of the person or corporation so suing: Provided, Nothing in this act shall be so construed as to prevent the recovery of any other damages, by any aggrieved person, firm, or corporation, occurring by reason of the violation of this or the four preceding articles, nor to relieve any railway company, or its officers, managers, or agents, from prosecution for the violation of any penal law of the State.

Approved, April 2, 1887.

#### AGRICULTURAL EXPERIMENT STATIONS.

##### Sec.

1. Assenting to purposes of grant by Congress.

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Whereas the Congress of the United States, by an act approved March 2, A. D. 1887, and entitled "An Act to establish agricultural experiment stations in connection with colleges established in the several States under the provisions of an act approved July second, eighteen hundred and sixty-two, and of the acts supplementary thereto," has granted to each of the States and Territories of the United States an appropriation of fifteen thousand dollars for the purposes indicated in the title of said act, and fully set forth in the body thereof; and whereas said act in Section 9 thereof provides that the grants of money therein authorized are made subject to the legislative assent of the several States and Territories to the purposes of said grants: Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas: That the State of Texas does hereby assent to the purposes of said grant.

Sec. 2. That the near approach of the close of the present session of the Legislature, rendering it impracticable to read this bill on three several days, and the importance of the subject matter hereof, creates an imperative

public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days, and the same is accordingly so suspended.

Approved, April 2, 1887.

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APPEALS FROM JUSTICES COURT.

Sec. 1. Allows ten days to make proof of inability to pay costs, etc.

CHAP. 122.—[S. B. No. 240.] An Act to amend Article 1639a of An Act to amend Title 32, Chapter 17, of the Revised Civil Statutes of the State of Texas, approved April 14th, A. D. 1883.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 1639a be and is hereby amended so as to read hereafter as follows:

Article 1639a. Where the appellant is unable to pay the costs of appeal, or to give security therefor, he shall nevertheless be entitled to prosecute his appeal; but in order to do so he shall be required to make strict proof of his inability to pay the costs, or any part thereof. Such proof shall be made before the county judge of the county where such party resides, or before the court trying the same, at any time within ten days from and after the date of the judgment rendered therein, and shall consist of the affidavit of said party, stating his inability to pay the costs, which affidavit may be contested by any officer of the court or party to the suit; whereupon it shall be the duty of the court trying the case, or the justice of the peace of the precinct in which said case was tried, or the county judge of the county in which the suit is pending, to hear evidence and to determine the right of the party to his appeal.

Approved, April 2, 1887.

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RAILROADS—RELATIONS WITH EXPRESS COMPANIES.

Sec.

1. Railroad Companies shall furnish equal facilities and rates to express companies, etc.

Sec.

2. Liable in damages for failure to comply with this act, and are subject to mandamus.  
3. Emergency clause.

CHAP. 123.—[S. B. No. 115.] An Act to compel all railroads operating in the State to furnish reasonable and equal facilities and accommodations to all corporations and persons engaged in express business, for transportation of themselves, agents, servants, merchandise, and other property.

Section 1. Be it enacted by the Legislature of the State of Texas: That every railroad company operating a railroad within this State shall furnish reasonable and equal facilities and accommodations, and upon reasonable and equal rates, to all corporations, and persons engaged in the express business, for the transportation of themselves, agents, servants, merchandise, and other property, and for the use of their cars, depots, buildings, and grounds, and for exchanges at points of junction with other roads.

Sec. 2. Any railroad company which shall fail to comply with the provisions hereof, shall be liable to the aggrieved party, in an action on the case, for damages, and such railway company, in addition to liability to said action for damages, shall be subject to a writ of mandamus, to be issued by any court of competent jurisdiction, to compel compliance with the provisions of section (1) of this act, and the said writ of mandamus shall issue at the instance of any party or corporation aggrieved by a violation hereof, and any violation of said writ shall be punishable as a contempt.

Sec. 3. The near approach of the close of the present session rendering



it impracticable to read this bill on three several days, creates an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

Approved, April 2, 1887.

#### DEPARTMENT OF STATE.

Sec. 1. Amends Article 2725, Revised Statutes—Distribution of Supreme Court and Court of Appeals Reports.

CHAP. 124.—[S. B. No. 274.] An Act to amend Article 2725, of Title 48, of Chapter One, of the Revised Civil Statutes of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 2725, of Title 48, of Chapter One, of the Revised Civil Statutes of the State of Texas, be so amended as to hereafter read as follows:

Article 2725. The Secretary of State shall deliver, by mail or otherwise, to each justice of the Supreme Court, each judge of the Court of Appeals, the Attorney-General, the Assistant Attorney-General, the Governor, each district judge of the State, each professor of law of the University of Texas, the librarian of said University, and to the county judge of each county for the use of the counties, one copy of the reports of the Supreme Court, and Court of Appeals, hereafter issued; also one copy of each of said reports to the circuit judge of the United States for Texas, and shall furnish to each district judge of the United States for Texas one copy of each of said reports for each branch of his court; and when it appears that any of the reports of either of said courts have been heretofore furnished and not returned to the Department of State, or when they are hereafter delivered by the State to either of the said officers or authorities, the Secretary shall have no authority to send another copy, except on proof that the same have been destroyed by fire, or have been rendered valueless by long use, to be evidenced by the certificate of the officer demanding to be resupplied with such report.

Sec. 2. The near approach of the close of the session creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

Approved, April 2 1887.

#### NOTARY PUBLIC—STEPHENS COUNTY.

Sec.

1. Validating acts of Hon. Wm. Veal as notary public.

Sec.

2. Emergency clause.

CHAP. 125.—[S. B. No. 68.] An Act to validate the official acts of Wm. Veal, Notary Public of Stephens County, Texas, and to permit him to file the bond and oath required by law of notaries public.

Section 1. Be it enacted by the Legislature of the State of Texas: That whereas the official bond and oath of Wm. Veal, who was duly appointed and commissioned on the first day of June, 1895, as a notary public for Stephens County, Texas, by the Governor of said State, has been lost or mislaid, before being recorded by the county clerk of said Stephens County as required by law; that the said Wm. Veal may and he is hereby authorized to file with the county clerk of said Stephens County the bond and oath required of him by law under said appointment, which to all intents and purposes shall and is hereby declared to be as valid and binding as the original oath and bond of said Veal had the same been duly recorded;

and it is further provided that upon the filing by said Veal of the official oath and bond as herein provided for, his official acts as notary public shall be and are hereby validated and made legal from the date of his appointment.

Sec. 2. Whereas the legality and validity of many titles to property and other matters of public and private interest are involved in the official acts of the said Wm. Veal as a notary public for said county of Stephens; and whereas the present session is near its close; therefore an emergency exists, and an imperative public necessity is created that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the Senate, and passed the same by a vote of 23 yeas, no nays; and passed the House by a vote of 79 yeas, 6 nays.]

Approved, April 2, 1887.

# LEGALIZING ORDINANCES OF CITIES AND TOWNS.

Sec.

1. Validating ordinances not published according to Article 486, Revised Statutes—Evidence of.

Sec.

2. Emergency clause.

CHAP. 126.—[S. B. No. 140.] An Act to legalize and validate the ordinances of cities and towns incorporated under the provisions of Title 17 of the Revised Civil Statutes of the State of Texas, wherein any ordinance imposing a penalty, fine, imprisonment, or forfeiture, for violation of its provisions, has not been published in the official paper for ten days as required by law.

Section 1. Be it enacted by the Legislature of the State of Texas: That in any city or town in this State incorporated under the provisions of the general charter for cities containing one thousand inhabitants or over, contained in Title Seventeen of the Revised Civil Statutes of the State of Texas, the city council shall have, prior to the passage of this act, adopted any ordinance or ordinances imposing a penalty, fine, imprisonment, or forfeiture, and which by Article 486 of said act of incorporation are required to be published in every issue of the official paper for ten days before taking effect, and shall have failed or neglected to make publication of said ordinances, by reason of the fact of there not being a daily paper published in such city or town, but shall have had the same published in pamphlet form and distributed among the inhabitants thereof, such ordinance or ordinances are hereby legalized and validated, and shall have force and effect from and after the passage of this act in all respects the same as if they had been duly published in the official paper for ten days, and proof of such publication and distribution shall be conclusive evidence of the legal publication and promulgation of such ordinance or ordinances in all courts of this State.

Sec. 2. The necessity for the preservation of law and order in the several towns and cities of this State creates an emergency that this act take effect from and after its passage, and it is so enacted.

Approved, April 2, 1887.

## RAILROADS.

Sec. 1. Amends article 4227, Revised Statutes, concerning refusal or delay in transportation.

CHAP. 127.—[H. B. No. 94.] An Act to amend Article 4227, Chapter 10, Title 84, of the Revised Civil Statutes of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 4227, Chapter 10, Title 84, of the Revised Civil Statutes, be so amended as hereafter to read as follows:

Article 4227. In case of the refusal by such corporation or their agents so to take and transport any passenger or property, or to deliver the same, or either of them, at the regular or appointed time, such corporation shall pay to the party aggrieved all damages which shall be sustained thereby, with costs of suit, and in case of the transportation of property, shall, in addition, pay to such party special damages at the rate of five per cent per month upon the value of the same at the time of shipment, for the negligent detention thereof beyond the time reasonably necessary for its transportation: Provided, That in all suits against such corporation under this section the burden of proof shall be on such corporations to show that the delay was not negligent.

Approved, April 2, 1887.

## FOREIGN CORPORATIONS.

Sec.

1. Foreign corporations required to file charters and procure a permit.
2. Shall not exercise rights until complying with this act.
3. Forfeiture of permits for removal of causes from State to Federal Courts.

Sec.

4. Forfeiture recoverable by the State against corporations not securing permits from January 1, 1888.—Foreign corporations defined.
5. Penalty against agents of corporations doing business without a permit.

CHAP. 128.—[H. B. No. 316.] An Act to require foreign corporations to file their articles of incorporation with the Secretary of State, and imposing certain conditions upon such corporations transacting business in the State, and providing penalties for a violation of the same.

Section 1. Be it enacted by the Legislature of the State of Texas: That hereafter any corporation for pecuniary profit, organized under the laws of any other State, or of any Territory of the United State, or of any foreign country, desiring to transact business in this State, shall be and is hereby required, on and after January 1, 1888, to file with the Secretary of State a certified copy of its articles of incorporation, duly attested, accompanied by a resolution of its board of directors or stockholders, authorizing the filing thereof, and also authorizing service of process to be made upon any of its officers or agents in this State engaged in transacting its business, and requesting the issuance to such corporation of a permit to transact business in this State, said application to contain a stipulation that said permit shall be subject to each of the provisions of this act. And thereupon the Secretary of State shall issue to such corporation a permit for the general transaction of the business of such corporation; and upon the receipt of such permit such corporation shall be permitted and authorized to carry on its business in this State.

Sec. 2. No foreign corporation which has not in good faith complied with the provisions of this act, and taken out a permit, shall hereafter be authorized to exercise the power of eminent domain, or exercise any of the right and privileges conferred upon corporations until it has complied herewith and taken out such permit.

Sec. 3. Any foreign corporation sued or impleaded in any of the courts

of this State, upon any contract made or executed in this State, or to be performed in this State, or for any act or omission, public or private, arising, originating, or happening in the State, which shall remove any such cause from such State court into any of the Federal courts held or sitting in this State, for the cause that such corporation is a non-resident of this State, or a resident of another State than that of the adverse party, or of local prejudice against such corporation, shall thereupon forfeit and render null and void any permit issued or granted to such corporation to transact business in this State; such forfeiture to be determined from the record of removal, and shall date from the date of the filing of the application on which such removal is effected or sought to be effected. And whenever any corporation shall thus forfeit its said permit, no new permit shall be issued to said corporation for the space of six months thereafter.

Sec. 4. Any foreign corporation that shall carry on its business and transact the same on and after January 1, 1888, in the State of Texas, by its officers, agents, or otherwise, without having complied with this statute, and taken out and having a valid permit, shall forfeit and pay to the State for each and every day in which such business is transacted and carried on the sum of one hundred dollars, to be recovered by suit in any court having jurisdiction. A foreign corporation, within the meaning of this act, is meant any corporation not organized under and by virtue of the laws of this State.

Sec. 5. Any agent, officer or employe who shall knowingly act or transact such business for such corporation when it has no valid permit as provided herein, shall be guilty of a misdemeanor, and for each offense shall be fined not to exceed one hundred dollars, or imprisonment in the county jail not to exceed thirty days.

Approved, April 2, 1887.

#### PROTECTION OF FISH AND GAME.

Sec.

1. Amends Act of March 15, 1881, to amend Articles 423, 424, 425, 426, 427, 428, 429, 430a, to create Article 426½ and to repeal Article 430, of Penal Code.

Sec.

2. Repealing clause.

CHAP. 129.—[H. B. No. 89.] An Act to amend an act passed at the regular session of the Eighteenth Legislature, and approved April 18, 1883, entitled "An Act to amend Article 430 of Section 1 and to repeal Section 2 of an act entitled An Act to amend Articles 423, 424, 425, 426, 427, 428, 429, and 430a, and to create Article 426½, and to repeal Article 430, of Chapter 5, Title 13, of the Penal Code of the Revised Statutes, for the protection of fish and game," approved March 15, 1881.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 430 of Section 1 of an act entitled "An Act to amend Articles 423, 424, 425, 426, 427, 428, 429, and 430a, and to create Article 426½, and to repeal Article 430, of Chapter 5, Title 13, of the Penal Code of the Revised Statutes, for the protection of fish and game," approved March 15, 1881, be amended so as to read as follows:

Article 430. That the following counties are hereby exempted from the provisions of Articles 426, 426½, 427, 428, and 429 of this chapter, to-wit: Nacogdoches, Hood, Bosque, Somervell, Sabine, San Augustine, Shelby, Titus, Franklin, Hunt, Rockwall, Hopkins, Montgomery, Brazos, Rains, Wood, Coryell, Hamilton, Brown, Runnels, Cooke, Wise, Montague, Clay, Parker, Jack, and the unorganized counties attached to the same for judicial purposes, Ellis, Anderson, Freestone, Cherokee, Stephens, Eastland, Erath, Comanche, Palo Pinto, Polk, Guadalupe, Throckmorton, Shackel-

ford, Callahan, Taylor, Jones, Nolan, Mitchell, Haskell, Stonewall, Kent, Gama, Lynn, Terry, Yoakum, Gaines, Dawson, Borden, Scurry, Fisher, Howard, Martin, Andrews, Archer, Wichita, Baylor, Wheeler, Oldham, Knox, King, Dickson, Crosby, Wilbarger, Childress, Lubbock, Hockley, Cochran, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Hall, Briscoe, Swisher, Castro, Parmer, Greer, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Gray, Carson, Potter, Hutchinson, Hartley, Moore, Roberts, Hemphill, Lipscomb, Ochiltree, Hansford, Sherman, Hardeman, Dallam, Smith, Upshur, Cass, San Jacinto, Camp, Frio, Dimmit, Maverick, Kinney, Cameron, Jackson, and the unorganized county of Zavala: Provided, That the exemption from the operation of this law shall not apply to Article 425: And provided, That the counties of Grimes, Angelina, Van Zandt, Walker, Trinity, Parker, Jack, Young, and Bell are hereby exempted from Articles 425, 426, 426½, 427, 428 and 429: And provided, That the county of Houston is hereby exempted from the provisions of Articles 426, 426½, 427, and 429 of this act: And provided, That the counties of Fannin and Hopkins are hereby exempted from the provisions of Articles 426 and 426½: And provided, That the counties of Lee and Fayette are hereby exempted from the provisions of Articles 426 and 429: And provided, That the counties of Bastrop and Brazoria are hereby exempted from the provisions of Article 429: And provided, That the county of Kaufman is hereby exempted from the provisions of Articles 428 and 429: And provided, That the counties of Collin and Robertson are hereby exempted from the provisions of Articles 426, 426½, 427, 428, and 429: And provided, That the counties of Gonzales, Karnes, Wilson, Atascosa, and Morris are hereby exempted from the provisions of Articles 426, 426½, 427, and 429. And provided, That the county of Bowie is hereby exempted from the provisions of Articles 427, 428, and 429: Provided further, That the counties of Franklin, Titus, and Wood shall be exempt from the provisions of Article 423.

Sec. 2., That Section 2 of said act be and the same is hereby repealed.

Approved, April 2, 1887.

#### HARDIN COUNTY—ELECTION FOR REMOVAL OF COUNTY SEAT OF.

##### Sec.

1. Providing for an election to remove county seat of said county upon application of 50 taxpayers, etc.

##### Sec.

2. Election returns, how made, etc.  
3. Emergency clause.

CHAP. 130.—[S. B. No. 285.] An Act to authorize an election for the removal of the county seat of Hardin County.

Whereas, on the first day of July, A. D. 1884, an election was held in Hardin county for the removal of its county seat from the town of Hardin to the town of Kountze; and whereas at such election the town of Kountze failed by eleven votes to receive two-thirds of the votes of all the electors who voted at such election; and whereas, since said election, the court house of said county has been destroyed by fire, and no other constructed, and many of the people and electors of said county are averse to and protest against any action by the county commissioners court of said county having for its object the construction of a new court house at the town of Hardin, and are averse to and protest against any appropriation of money therefor, and are desirous that another election be permitted and held before any such action or appropriation by said court: and whereas, under the general law, as it now exists, no other election for the removal of the county seat from the town of Hardin can be held or ordered for the period of five years from

the date of said election held on the first day of July, A. D. 1884: Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas: That when fifty or more taxpayers of Hardin county, who pay taxes upon real estate situated in said county, shall petition the county commissioners court thereof for the removal of the county seat from the town of Hardin to the town of Kountze, it shall be the duty of said court to order an election for that purpose, giving due notice thereof, by posting or causing to be posted at or near each voting place in said county, written notices, for at least twenty days prior to the day of such election; and such election shall be held at the same places and conducted in the same manner as elections for State and county officers, and the result of such election, unless set aside in accordance with law, shall establish the county seat of said county.

Sec. 2. The returns of such election shall be made to the county judge of said Hardin county, as in the case of elections for county officers, and he shall count the votes, declare the result, and enter or cause the same to be entered of record.

Sec. 3. The fact that it is important to the interests of the people and taxpayers of Hardin county that all controversy and differences connected with and arising from the desire upon the part of one portion of the people thereof to remove the county seat from, and upon the part of another portion to retain it at, the town of Hardin, creates an emergency and an imperative public necessity which requires the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect from and after its passage, and it is so enacted.

Approved, April 2, 1887.

#### RECEIVERS.

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| <p>Sec.</p> <ol style="list-style-type: none"> <li>1. Cases in which receivers may be appointed by the courts.</li> <li>2. No party nor attorney at interest shall be appointed, and receiver must be a citizen of the State.</li> <li>3. Providing for oath and bond of receiver.</li> <li>4. Powers of receiver, under control of the court, to sue, defend suits, etc.</li> <li>5. Providing for investment of the funds.</li> <li>6. Application of moneys coming to hands of receiver as such, etc.</li> <li>7. As to deposit of funds by receiver operating railroads, etc.</li> <li>8. Suits by or against receivers without consent of controlling court.</li> <li>9. Venue of actions against receivers.</li> <li>10. Appointment and qualification of a special clerk and master.</li> </ol> | <p>Sec.</p> <ol style="list-style-type: none"> <li>11. Receiver to return inventory.</li> <li>12. No court without the limits of the State to appoint receivers of property in this State.</li> <li>13. Receivers for corporations shall be appointed in county where their principal office is.</li> <li>14. Duties of receiver—Payment of debts—Improvements, etc.</li> <li>15. As to the payment of judgments and concluded claims at time of appointment of receiver.</li> <li>16. Receivership must be closed within three years unless prevented by appeals.</li> <li>17. Receiver of incorporated company, etc., shall not be appointed on petition thereof.</li> <li>18. Repealing clause.</li> <li>19. Rules of equity to apply where not inconsistent with the provisions of this act.</li> <li>20. Emergency clause.</li> </ol> |
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CHAP. 131.—[H. B. No. 157.] An Act to provide for the appointment of receivers, and to define their powers and duties, and to regulate proceedings under such appointment of receivers.

Section 1. Be it enacted by the Legislature of the State of Texas: That a receiver may be appointed by any judge of a court of competent jurisdiction in this State, in the following cases:

1. In an action by a vendor to vacate a fraudulent purchase of property, or by a creditor to subject any property or fund to his claim, or between partners or others jointly owning or interested in any property or fund, on the application of the plaintiff or any party whose right to or interest in the property or fund or the proceeds thereof is probable, and where it is shown that the property or fund is in danger of being lost, removed, or materially injured.
2. In an action by a mortgagee for the foreclosure of his mortgage and

sale of the mortgaged property when it appears that the mortgaged property is in danger of being lost, removed, or materially injured, or that the condition of the mortgage has not been performed, and the property is probably insufficient to discharge the mortgage debt.

3. In cases where a corporation has been dissolved, or is insolvent, or in imminent danger of insolvency, or has forfeited its corporate rights.

4. In all other cases where receivers have heretofore been appointed by the usages of the court of equity.

Sec. 2. No party, attorney, or person interested in an action shall be appointed receiver therein, nor shall any person be appointed receiver in any case where the property lies within this State unless he is a bona fide citizen of the State of Texas and qualified to vote.

Sec. 3. When a receiver is appointed he shall, before he enters upon his duties, be sworn to perform them faithfully, and shall execute a bond, with three or more good and sufficient sureties, to be approved by the court appointing him, in such sum as the court shall see proper to fix, conditioned that he will faithfully discharge all of the duties of receiver in the action (naming it) and obey the orders of the court therein.

Sec. 4. The receiver shall have power, under the control of the court, to bring and defend actions in his own name as receiver, to take charge and keep possession of the property, to receive rents, collect, compound for, compromise demands, make transfers, and generally to do such acts respecting the property as the court may authorize.

Sec. 5. The funds in the hands of a receiver may be invested upon interest by order of the court, but no such order shall be made except upon consent of all of the parties to the action.

Sec. 6. All moneys that come into the hands of a receiver as such receiver, shall be applied first to the payment of all costs and expenses of the suit in which he was appointed, and the expenses of operating and managing the property, including all materials and supplies procured by him therefor, and all liabilities incurred by him in such operation and management; and all judgments recovered against a receiver during his receivership, or for wages of employes, or work done, or materials furnished, while he is operating or managing the road, and all judgments recovered against the person, or persons, or corporations, in suits brought before the appointment of a receiver in the action, shall be a lien on the funds in his hands as receiver, but shall affect him only in his trust capacity, and not individually.

Sec. 7. When a line of a railroad operated by a receiver lies wholly within this State, all money which comes into the hands of the receiver, whether from operating the road or otherwise, shall be kept and deposited in such place within this State as the court may direct, until properly disbursed; but if any portion of the road lies in another State the receiver shall be required to deposit in this State at least such share of the funds in his hands as is proportioned to the value of the property of the company within this State.

Sec. 8. When any property of any kind within the limits of this State has been placed, by order of court, in the hands of a receiver, who has taken charge of such property, such receiver may, in his official capacity, sue or be sued in any court of this State having jurisdiction of the cause of action, without first having obtained leave of the court appointing such receiver to bring said suit, and if a judgment is recovered against said receiver it shall be the duty of the court to order said judgment paid out of any funds in the hands of said receiver as such receiver.

Sec. 9. Actions may be brought against the receiver of the property of any person where said person resides. Actions may be brought against re-

ceivers of a corporation in the county where the principal office of said corporation may be located, and against receivers of railroad companies in any county through or into which the road is constructed, and service of summons may be had upon the receiver, or upon the general or division superintendent of the road, or upon any agent of said receiver who resides in the county in which the suit is brought.

Sec. 10. The court shall, in every case of the appointment of receiver, also after his qualifying, appoint a master in chancery, who shall be a citizen of this State, and not an attorney for either party to the action, nor related to either party, who shall perform all of the duties required of him by the court, and shall be under orders of the court, and have such power as a master of chancery has in a court of equity.

Sec. 11. The receiver, as soon after his appointment as possible, shall return to the court appointing him a true and correct inventory of all property received by him as such receiver.

Sec. 12. When a person resides within this State and a receiver is applied for, or if the property sought to be placed in the hands of a receiver is situated within the limits of this State, no court other than one within the limits of this State shall have power to appoint any receiver of said property.

Sec. 13. If the property sought to be placed in the hands of a receiver is a corporation whose property lies within this State, or partly within this State, then the action to have a receiver appointed shall be brought in this State in the county where the principal office of said corporation is located.

Sec. 14. When a receiver of a corporation has, under the order of the court, made improvements upon the property of said corporation, and has also, under the order of the court appointing him, purchased rolling stock, machinery, and made other improvements whereby the value of the property of said corporation has been increased, or has extended such road, or acquired any property in connection with said road, and has paid for same out of the current receipts of the corporation that came into his hands as receiver, then, if there be any floating debts against said corporation, said corporation shall be made to contribute to the floating indebtedness to the full value of the money so spent by said receiver as aforesaid; and if there are any liens of any kind upon the property of said corporation in the hands of such receiver, and said property is sold under the order of the court, and said liens foreclosed, then it shall be and is hereby made the duty of the court appointing such receiver, if there be any unpaid debts or judgments, or claims against the corporation itself, to detain in the hands of the clerk of the court money to the full value of the improvements made by said receiver of said property out of the proceeds of the sale of the property sold, and pay the same over to any person or persons who has or may have a claim, debt, or judgment against said corporation; and the court in ordering the sale of the property shall require sufficient cash money to be paid in at date of sale to cover the full value of the improvements so made by said receiver out of the current funds received by him from the property while receiver.

Sec. 15. All judgments, claims, or causes of action when determined, existing against any corporation at the time of the appointment of a receiver, shall be paid out of the earnings of such corporation while in the hands of the receiver, to the exclusion of mortgage action; and the same shall be a lien on such earnings.

Sec. 16. No corporation shall be administered in any court for a longer period than three years from the date of such appointment; and within



three years such court shall wind up the affairs of such corporation, unless prevented by appeal of litigation.

Sec. 17. No receiver shall ever be appointed of any joint stock, incorporated company, or of any copartnership or private person, on the petition of such joint stock, incorporated company, partnership or person: Provided, That any stockholder or stockholders of such joint stock or incorporated company may have his or their action against such company, and may have a receiver appointed as in ordinary cases. And provided further, That nothing herein shall prevent a member of any copartnership from having a receiver appointed whenever a cause of action arises between the copartners.

Sec. 18. That all laws and parts of laws in conflict with any of the provisions of this act be and the same are hereby repealed.

Sec. 19. In all matters relating to the appointment of receivers, and to their powers, duties, and liabilities, and to the powers of the court in relation thereto, the rules of equity shall govern whenever the same are not inconsistent with the provisions of this act and the general laws of the State.

Sec. 20. The near approach of the close of the session of the Legislature, and the importance of passing some law regarding receiverships, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended.

Approved, April 2, 1887.

#### PUBLIC FREE SCHOOLS.

Sec. 1. Amends Sections 36, 42, 45, 48, 50, 56, 61, 62, 63, 66, and 71, of the Act of 1884, repealing Chapter 3, Title 78, of the Revised Statutes, and adding Section 43a to said act.

Sec. 36. Provides for the election of trustees.

Sec. 42. Provides for transfers of children before apportionment.

Sec. 45. Prescribes compensation for county supervision.

Sec. 48. Provides for examination of teachers, issuance and cancellation of certificates.

Sec. 50. Salaries of teachers, etc.

Sec. 56. Board of examiners—Institution and duties of, etc.

Secs. 61, 62, 63, and 66. Relate to and provide for the erection, furnishing, repair, and purchase of school houses.

Sec. 71. Enumerates the counties exempted from the district system.

2. Adds Section 43a—Creates the office of county superintendent—Defines their duties, etc.

3. Emergency clause.

CHAP. 132.—[S. H. B. No. 1.] An Act to amend Sections 36, 42, 45, 48, 50, 56, 61, 62, 63, 66, and 71, of an Act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of Chapter 3, of Title 78, of the Revised Civil Statutes of Texas, as refer to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act, passed by the Eighteenth Legislature at its special session in 1884, and to further amend said act by adding thereto a new section, to be known as Section 43a, providing for county superintendents of public instruction in certain cases, and defining their duties and fixing their compensation.

Section 1. Be it enacted by the Legislature of the State of Texas: That Sections 36, 42, 45, 48, 50, 56, 61, 62, 63, 66, and 71, of the above mentioned act, be and they are hereby so amended as to hereafter read as follows:

Section 36. On the first Saturday in June of each year the qualified voters of each school district, at school district meeting for that purpose, shall elect three trustees for said district, who shall enter upon the discharge of their duties upon the first day of July following, and shall hold their offices for one year, and thereafter until their successors have been elected or appointed and shall have qualified. The commissioners court shall appoint three persons, qualified voters of the district, to hold such election, who shall make returns thereof to the county judge within five days after such election shall have been held, and if no election be held, or if a vacancy occur in the board of trustees by death or otherwise, the county judge shall

at once appoint a trustee, or trustees, as may be necessary, for the full or unexpired term. No person shall be eligible to serve as a school trustee who cannot read and write, and has not been a resident of the school district for six months prior to the election held for trustees.

Section 42. The county judge may, at any time before he apportions the school fund among the several districts or communities, transfer a child from one district or community to another in the same county, and in every such case he shall transfer the pro rata share of such child in the school fund to the district or community in which said child shall be taught. After the completion of said apportionment no transfer shall be made, but all children within the scholastic age who have not attended any public school in the State during the current scholastic year shall be allowed to attend free of charge any public school in any district or community in which such children have acquired a residence. The county judge shall also have authority, on the recommendation of the school trustees, to consolidate one school with another in the same district or adjoining district, and to transfer money from one school to another school in the same district or adjoining district.

Section 45. County judges shall be entitled to the following compensation: For five hundred dollars or less of the school fund actually disbursed by the county treasurer, twenty-five dollars shall be allowed such judge; for five hundred dollars and not exceeding one thousand dollars so disbursed, fifty dollars shall be allowed; and for each additional thousand or fractional part thereof so disbursed, ten dollars shall be allowed such judge, and ten per cent on the salary thus allowed shall be added thereto for postage, stationery and printing expenses connected with the administration of the school law. Such compensation shall be paid to the county judge by the county treasurer out of the public school fund, upon the approval of his voucher by the commissioners court, as follows: On or after the third Mondays of February and May of each year the allowances upon disbursements to those dates respectively shall be paid, and on or after the third Monday of August the allowance upon disbursements to that date and subsequent to the one last above mentioned, together with said ten per cent additional, shall be paid: Provided, such judge shall have made to the State Superintendent of Public Instruction all reports required of him by law, in respect to matters appertaining to the public free schools of his county; and the commissioners court shall not approve, nor shall the county treasurer pay, the voucher of any county judge for that portion of his compensation herein thirdly above mentioned until said judge shall exhibit to such court and treasurer an acknowledgment of the receipt by such State Superintendent of such reports.

Section 48. Any one desiring to teach a public free school shall, unless known to the county judge, present a certificate from the majority of the trustees of the school last taught by him or her, or of the one which he or she desires to teach; or in case the applicant has not acquired a residence of six months in the county wherein he or she desires to teach, then some other evidence satisfactory to the county judge, that the applicant is of good moral character and of correct exemplary habits; the county judge shall thereupon, unless satisfied that some good cause exists for refusing the certificate hereinafter mentioned, recommend him to the board of examiners for examination, which said board of examiners shall be convened by the county judge at stated times, not less than once a month, provided that there are applicants, for the purpose of examining applicants for certificates to teach. Applicants for third grade certificates shall be examined in or-

thography, reading, writing, arithmetic, geography, and English grammar. Applicants for second grade certificates shall be examined in the branches prescribed for the third grade, and also in composition, History of the United States, History of Texas, and the theory and practice of teaching. Applicants for the first grade certificates shall be examined in the branches prescribed for the third and second grades, and also in the elementary branches of algebra, geometry, natural philosophy, and physiology. Such examination shall be conducted in the English language, and in writing, and no applicant shall receive a certificate unless the board of examiners be satisfied that he or she is competent to teach the branches prescribed for the grade of certificate applied for, in the English language. The board of examiners shall examine such applicant as to his or her competency to teach the branches named in the preceding clauses, and shall make a report under oath to the county judge, which report shall state who of said board were present at such examination, that the applicant was examined upon all the branches of study embraced in the grade of certificate recommended, and that such applicant is competent to teach and qualified to teach all of such branches. And the county judge shall, if such report be favorable, issue a certificate of competency to the applicant, according to the grade recommended by the board of examiners, authorizing his or her employment by the trustees of the school district or community in the county in which the same is issued. Such certificate shall be valid in the county where issued for the current scholastic year, and may be renewed by the county judge for any subsequent year, without examination and without charge to the teacher, if he be satisfied of the propriety of such renewal. A teacher's certificate may be cancelled by the county judge on account of such incompetency, misconduct, or immorality as may be reported by the trustees to the county judge, or as may otherwise come to his knowledge, disqualifying such teacher for the instruction of children; but before such cancellation the teacher shall have reasonable notice of the charges against him or her, and an opportunity to be heard. It shall be the duty of the teacher to keep a full and correct record of the daily attendance of each pupil, and all other statistical data required by the State Superintendent, and he shall make a complete report thereof to the county judge at the close of the school.

Section 50. Teachers shall receive salaries not exceeding the following sums: Teachers with first grade certificates, \$75 per month; teachers with second grade certificates, \$50 per month; teachers with third grade certificates, \$30 per month: Provided, That teachers teaching under certificates of one year's attendance at a State normal school shall be regarded as teachers with second class certificates: Provided further, That this rule shall not apply to teachers employed in districts voting a local tax on themselves. Teachers shall admit all children over and under scholastic age into the public schools.

Section 56. Three teachers holding first grade certificates, to be appointed by the county judge, provided in the absence of teachers holding such certificates he may appoint any other competent persons, who shall constitute the county board of examiners, and shall receive from each teacher examined for a certificate the sum of three dollars, and the county judge shall keep a record of all certificates issued by said board, and all other certificates and diplomas of teachers, giving the name, age, sex, color, and nativity of the person, the date, grade, and length of time of each certificate. No certificate shall be valid unless the examination provided for in this section be attended and taken part in by a majority of the members of said board of examiners.

Section 61. When a school district or community has no school house or not a sufficient number, or when the school houses are in need of repairs or furniture, so much of the available public free school fund to the credit of such district or community for any one year as the county judge may deem expedient or necessary, may be used for erecting, repairing, or furnishing a house or houses, as the case may be: Provided, That where a house is to be erected, the citizens of the district or community must contribute of their labor or means, or both, an amount equal to one-third of the school fund so used, and a suitable piece of land shall be donated as a site, and a deed therefor shall be executed and delivered, conveying a good and sufficient title in fee simple in and to such land, to the county judge and his successors in office in trust for public free school purposes, which deed must be recorded as other deeds: And provided further, That districts which have taxed or may hereafter tax themselves, may be allowed to use the money raised by such taxation for the purpose of purchasing, repairing, enlarging erecting, or furnishing school buildings, or to purchase building sites, but the title to all real estate so purchased shall be taken and recorded as herein above provided.

Section 62. The trustees of the district or community must make an application to the county judge for any appropriation for the purposes named in the preceding section before making any contract with any teacher for the year in which such appropriation is desired, which application shall be accompanied with plans and specifications of the house or houses sought to be erected, with a statement of the estimated cost, or, in case of desired repairs or furniture, a detailed statement of the repairs or furniture desired, together with an estimate of the cost of the same.

Section 63. After receipt of such application, the county judge, if it appears to his satisfaction that the house to be erected is necessary and adapted to the needs of the pupils of the district or community, or that the repairs or furniture desired is necessary, and that the requirements of the law have been complied with, shall make an order appropriating such an amount of the school fund to the credit of such district or community for that year as he may deem expedient, necessary, and proper for the purposes specified in such application; but in making any such appropriation for a district the scholastic interests of the districts as a whole shall be considered, and no part of such an appropriation shall be drawn from the treasury or paid until the completion of the building or repairs according to contract, plans, and specifications, or, in case of furniture, until the delivery thereof according to such contract as the trustees may have made, and then only upon the warrant of the county judge.

Section 66. So much of the available school fund of any school district or community for any one year as the county judge may deem expedient, necessary, and proper, may be used in the purchase of suitable school property upon the terms and conditions hereinbefore specified.

Section 71. The following counties shall be and the same are exempted from the district system provided for in this act, to-wit: Anderson, Angelina, Aransas, Atascosa, Bastrop, Bosque, Bowie, Brazoria, Burleson, Calhoun, Callahan, Cameron, Camp, Cass, Chambers, Concho, Delta, DeWitt, Duval, Eastland, El Paso, Erath, Falls, Fannin, Fayette, Fort Bend, Franklin, Freestone, Gillespie, Goliad, Gonzales, Gregg, Grimes, Guadalupe, Hardin, Hays, Henderson, Hidalgo, Hopkins, Jackson, Jasper, Jefferson, Karnes, LaSalle, Lampasas, Liberty, Limestone, Medina, Marion, Mason, Matagorda, McMullen, Menard, Milam, Montgomery, Morris, Nacogdoches, Newton, Orange, Palo Pinto, Panola, Pecos, Polk, Presidio, Rains, Reeves, Red

River, Refugio, Robertson, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Somervell, Stephens, Starr, Titus, Tom Green, Trinity, Tyler, Upshur, Van Zandt, Victoria, Waller, Washington, Webb, Wilson, Wharton and Zapata.

Sec. 2. The act above mentioned shall be further amended by adding thereto another section, to be known as section 43a, which shall read as follows:

Section 43a. The office of county superintendent of public instruction is hereby created, and the county commissioners court of any county in this State may, when in their judgment it may be advisable, provide for the election at each general election of some person of educational attainments, good moral character, and executive ability, a qualified voter of said county, and the holder of a first grade teacher's certificate, who shall hold his office for the term of two years, and until his successor is elected and qualified; and said commissioners court, when they so provide for the election of a county superintendent, shall appoint a county superintendent of public instruction, with the qualifications above provided, who shall perform the duties of such office until a county superintendent shall have been elected, as hereinbefore provided, and shall have qualified. Such county superintendent of public instruction shall perform all the duties in regard to the public free schools of his county imposed by law upon the county judges of such counties as have no county superintendents of public instruction, and shall have and may exercise all powers and authority vested by law in such county judges in respect to matters appertaining to the public free schools; and in addition thereto he shall take the scholastic census of his county, which census shall be taken by districts in those counties wherein the district system prevails, and under the rules and regulations of Section 40 of this act. Such county superintendent, before entering upon the discharge of his duties, shall take the oath of office prescribed by law for school officers, and shall enter into bond in the sum of five thousand dollars, with good and sufficient security, to be approved by the county commissioners court, and to be filed with the county clerk of his county; and said bond shall be made payable to the county commissioners court and their successors in office in trust for the permanent school fund of the county, and be conditioned for the faithful performance of the duties of his office. Said county superintendent shall receive the same compensation for his services, to be paid in the same way, as is allowed by law to the county judges for similar services, and also the compensation allowed by law for taking the scholastic census, and such other compensation as may be allowed by the commissioners court of his county, to be paid from the school fund: Provided, The said compensation shall never exceed in the aggregate one thousand dollars per annum. He shall have authority to administer all oaths necessary for the proper discharge of all the duties required of him. Said county superintendent shall keep his office in the county seat, and to him shall be made all applications and reports authorized and required by law to be made to county judges in respect to public free school matters in those counties having no county superintendents of public instruction.

Sec. 3. Whereas the near approach of the close of the present session of the Legislature renders it doubtful whether this act can be passed if allowed to take the regular course in both houses; and whereas it is a matter of great importance that many grave defects in the present school law sought to be remedied hereby should be corrected; and whereas, in order that certain provisions of this act should be complied with according to its

terms, it is necessary that it should take effect and be in force from and after its passage; therefore an imperative public necessity and emergency exist requiring the suspension of the constitutional rule requiring bills to be read on three several days in each house, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 72 yeas, 12 nays: and passed the Senate by a vote of 20 yeas, 6 nays.]

Approved, April 2, 1887.

## TAXATION.

Sec.

1. Adds Articles 4712a, 4763a, to Chapter 3, Title 95, Revised Statutes, and amends Articles 4740, 4744, 4746, 4747, and 4748 thereof, concerning assessment and collection of taxes.

Sec.

2. Repealing clause.

CHAP. 133.—[H. B. No. 52.] An Act to amend Title 95 of the Revised Statutes, by adding thereto Articles 4712a and 4763a, and by amending Articles 4740, 4744, 4746, 4747, and 4748, so as to provide for a more thorough and efficient assessment of property and the collection of taxes thereon.

Section 1. Be it enacted by the Legislature of the State of Texas: That Title 95 of the Revised Civil Statutes be amended by adding thereto the following articles, to be known as Articles 4712a and 4763a, and by amending Articles 4740, 4744, 4746, 4747, and 4748 of said title so that they shall hereafter read as follows:

Article 4712a. If the assessor of taxes shall discover in his county, or outside of his county but belonging to a resident of the county, any personal property which has not been assessed or rendered for taxation every year for two years past, he shall list and assess the same for each and every year thus omitted which it has belonged to said resident, in the manner prescribed for assessing other property, and such assessment shall be as valid and binding as though it had been rendered by the owner thereof.

Article 4740. The collector of taxes shall keep his office at the county seat of his county, and it shall be the duty of every person who has failed to attend and to pay his taxes at the times and places in his precinct named by the collector, as provided in the preceding article, to call at the office of the collector and pay the same before the last day of December of the same year for which the assessment is made.

Article 4744. The collector of taxes shall make out on forms to be furnished for that purpose by the Comptroller of Public Accounts, on and after the first day of April of each year, triplicate lists of delinquent or insolvent taxpayers, the caption of which shall be the "List of delinquent or insolvent taxpayers." In this list he shall give the name of the person, firm, company, or corporation from whom the taxes are due in separate columns, and he shall post one copy of these delinquent or insolvent lists in the court house door, and one copy at two other public places in his county. And the collector of taxes, upon the certificate of the commissioners court that the persons appearing on the insolvent or delinquent lists have no property out of which to make the taxes assessed against them, or that they have moved out of the county and that no property can be found in the county belonging to such persons out of which to make the taxes due, shall be entitled to a credit on final settlement of his accounts for the amounts due by the persons, firms, companies, or corporations, certified to by the commissioners court as above provided for.

Article 4746. If any person shall fail or refuse to pay the taxes imposed upon him or his property by law, until the first day of January next succeeding the return of the assessment roll of the county to the Comptroller, the collector of taxes shall, by virtue of his tax roll, seize and levy upon and sell so much personal property belonging to such person as may be sufficient to pay his taxes, together with all costs accruing thereon: Provided, There shall be no levy on property when the owner thereof has the right to pay at the Comptroller's office, until a list of the persons who have paid their taxes at said office has been furnished the collector of taxes by the Comptroller. The Comptroller shall forward said list of paid taxes on or before the first day of February of each year, and the tax collector shall immediately on receipt of said list from the Comptroller, levy on and sell the property of such non-residents as have not paid their taxes, in accordance with the law regulating the sale of property for taxes.

Article 4747. If any person shall point out to the collector of taxes sufficient personal property belonging to him to pay all taxes assessed against him before the first day of January of any year, the collector shall immediately levy upon and sell such property so pointed out, in accordance with the laws regulating tax sales of a similar class of property.

Article 4748. If it comes to the knowledge of the collector that any personal property assessed for taxes on the rolls is about to be removed from the county, and the owner of such property has not other property in the county sufficient to satisfy all assessments against him, the collector shall immediately levy upon a sufficiency of such property to satisfy such taxes and all costs, and the same sell in accordance with the law regulating sales of personal property for taxes, unless the owner of such property shall give bond, with sufficient security, payable to and to be approved by the collector, and conditioned for the payment of the taxes due on such property, on or before the first day of January next succeeding.

Article 4763a. It shall be the duty of the tax collector to make an affidavit before any justice of the peace against any person, firm, or association of persons engaging in or pursuing any occupation on which, under the laws of this State, a tax is imposed, who fails or refuses to pay the same. And any collector of taxes who shall knowingly permit any person, firm, or association of persons to engage in or pursue any occupation on which, by the laws of this State, a tax is imposed, without first paying all legal taxes assessed against such person, firm, or association of persons, for such occupation, for State and county purposes, shall be fined in any sum not less than fifty nor more than five hundred dollars for every such offense: Provided, That evidence that such collector of taxes has made the affidavit herein required immediately against such person, firm, association of persons so pursuing an occupation in violation of law, shall be a defense against all prosecutions under this section.

Sec. 2. All laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved, April 2, 1887.

JUDICIAL DISTRICTS—EIGHTEENTH.\*

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| <p>Sec.<br/>1. Counties comprised in the Eighteenth District and fixing terms of court in the several counties thereof.</p> | <p>Sec.<br/>2. Writs and process, returns of.<br/>3. Emergency clause.</p> |
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CHAP. 134.—[H. B. No. 556.] An Act to amend Chapter 18, Section 18, of an act entitled "An Act to redistrict the State into judicial districts, and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884."

Section 1. Be it enacted by the Legislature of the State of Texas: That Section 18 of an act entitled "An Act to redistrict the State into judicial districts, and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884," be so amended as hereafter to read as follows:

Section 18. The Eighteenth Judicial District shall be composed of the counties of Johnson, Hill, and Bosque, and the district courts therein shall be held as follows:

In the county of Bosque on the third Mondays in January and August, and may continue in session six weeks.

In the county of Hill on the sixth Monday after the third Mondays in January and August, and may continue in session seven weeks.

In the county of Johnson on the thirteenth Monday after the third Mondays in January and August, and may continue in session until the business is disposed of: Provided, That said continuation shall not interfere with the terms of the court in the remaining counties of the district as herein above provided for.

Sec. 2. All process heretofore issued or served, returnable in any of the counties of said judicial district as heretofore prescribed by law, shall be considered as returnable at the times herein prescribed, and all such process is hereby legalized and validated as if the same had been made returnable at the time herein prescribed.

Sec. 3. All laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 4. The near approach of the close of the session creates a public necessity and emergency demanding the suspension of the constitutional rule requiring a bill to be read on three several days, and such rule is hereby suspended.

Approved, April 4, 1887.

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ORPHAN ASYLUM.

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| <p>Sec.<br/>1. Provides for establishment of an orphan asylum.<br/>2. Provides for appointment of a commission to select a site, etc.<br/>3. Conveyance of such site shall be made to the State for the use of said asylum.<br/>4. Provides for the appointment of a board of managers.<br/>5. Said board to appoint a superintendent upon the nomination of the Governor—Duties of superintendent.</p> | <p>Sec.<br/>6. As to admission of children, their ages, etc.<br/>7. Further prescribes duties of the superintendent.<br/>8. As to removal of wards of said asylum.<br/>9. Salary of superintendent.<br/>10. Provides for appointment of a matron.<br/>11. Appropriation to effect the purposes of this act.</p> |
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CHAP. 135.—[S. B. No. 261.] An Act to provide for the purchase of a site and the establishment, location, construction, and maintenance of a State Orphan Asylum, and to make an appropriation therefor.

Section 1. Be it enacted by the Legislature of the State of Texas: That there shall be established and maintained an Orphan Asylum for the maintenance of indigent orphan children within this State.



Sec. 2. The Governor shall appoint three commissioners, who shall select the site for said asylum with reference to accessibility by railroad, health, and fertility of soil: competition shall be invited by the different towns in this State for the location of this asylum, and the commissioners hereinafter provided shall invite such competition through such means as they may deem best, reserving the right to reject any or all bids for the location of the same, who shall receive five dollars per day for their services, and their actual and necessary expenses incurred during their service, to be paid by the State Treasurer, upon the warrant of the Comptroller, to be issued upon the certificate of the chairman of said board of commissioners that the duties have been performed in accordance with the provisions of this chapter.

Sec. 3. Deeds and other instruments conveying property for the purposes herein mentioned shall be in the name of the State of Texas for the use of the State Orphan Asylum.

Sec. 4. The Governor shall appoint a board of managers of said asylum, who shall be governed in their regulation of the affairs of said asylum in accordance with the laws now in existence relative to the deaf and dumb and blind institutions, so far as the same may be applicable, and shall perform the same duties and receive the same compensation as the board of managers of the aforesaid State institutions.

Sec. 5. The said board of trustees shall appoint a superintendent of said asylum, upon the nomination of the Governor, whose duties of office shall be the supervision of the affairs of said asylum, keeping the accounts of the same, and its general management, under the direction of the board of managers.

Sec. 6. Said board of managers shall admit all children under the age of fourteen years subject only to such restrictions as they may deem requisite to the welfare and good government of said asylum.

Sec. 7. In addition to the other duties of said Superintendent, he shall keep a carefully prepared list containing the names and ages of each and every child, as well as such other data concerning the history of said children as the board of managers may prescribe, said lists to be recorded in a well bound book for said purpose, and subject to the inspection of all persons who may desire to examine its contents. He shall annually deliver over to the proper authorities a list of all children within the scholastic age, and see that their pro rata of the public free school fund is set aside to their credit, and that they are provided with proper educational facilities. He shall promptly answer all inquiries, by correspondence or otherwise, concerning the orphans under his charge, and promptly inform the board of managers when an opportunity is presented to secure a good and permanent home for any child under his charge.

Sec. 8. No person shall be permitted to remove a child from said asylum except under such lawful rules and regulations as the board of managers may adopt, and in no case shall a child be removed therefrom by any person other than the natural guardian of said child, or the duly qualified guardian of the person of such child, or the parent of said child by adoption.

Sec. 9. The superintendent of said asylum shall receive such salary each year as may be provided by the board of managers. In no case shall such salary be fixed at an amount exceeding one thousand dollars per annum.

Sec. 10. There shall be a matron of said asylum, to be chosen by the superintendent, with the consent of the board of managers, whose salary shall not exceed forty-five dollars per month.

Sec. 11. That the sum of seven thousand five hundred dollars, or so much thereof as may be necessary, be appropriated, out of any moneys to

the credit of the available fund of said asylum not otherwise appropriated, in addition to the annual income arising from the lease of orphan asylum lands and interest on notes and bonds belonging to the funds of said asylum, for the purpose of purchasing a suitable site for said asylum, and paying the necessary expenses incident to carrying on said asylum, and for the erection of a public building to be known as the Orphan Asylum.

Approved, April 4, 1887.

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### GRAND JURIES.

Sec. 1. Amends Chapter 2, Title 8, of the Penal Code, by adding Article 198a, prescribing penalty for divulging secrets of grand jury.

CHAP. 136.—[H. B. No. 370.] An Act to create Article 198a, of Chapter 2, Title 8, of the Penal Code of Texas, for the punishment of persons who divulge the secrets of grand juries.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 198a, of Chapter 2, Title 8, of the Penal Code of Texas, is hereby created, to read as follows:

Article 198a. Any grand juror, or any person who shall appear before any grand jury, in this State, and who after being sworn according to law as a witness before said grand jury shall afterwards divulge, either by word or sign, any matter about which said witness may have been interrogated, or any proceeding or fact said witness may have learned by reason of being said witness, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than one hundred nor more than one thousand dollars, and may be in addition thereto imprisoned in the county jail not exceeding six months: Provided, This act shall not apply to persons required to testify to any of the aforesaid matters before a judicial tribunal.

Sec. 2. The near approach of the end of the present session of the Legislature, and the fact that there is no law punishing persons who divulge the secrets of grand juries, creates an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days in each house, and it is so enacted, and the bill put upon its third reading and final passage.

Approved, April 4, 1887.

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### CORPORATIONS—VENUE OF SUITS AGAINST.

Sec.

1. Amends Section 1, Chapter 83, Acts of 1885—Prescribes the venue in suits against foreign corporations, etc.

Sec.

2. Emergency clause.

CHAP. 137.—[S. B. No. 174.] An Act to amend section one of an act entitled "An Act prescribing and fixing the venue of suits against foreign corporations, joint stock companies or associations, or acting corporations or associations, doing business within this State, and to provide the mode of serving process on such corporations or associations," approved March 31, A. D. 1885.

Section 1. Be it enacted by the Legislature of the State of Texas: That section one of an act entitled "An Act prescribing and fixing the venue of suits against foreign corporations, joint stock companies or associations, or acting corporations or associations doing business within this State, and to provide the mode of serving process on such corporations or associations," approved March 31, A. D. 1885, be and the same is hereby amended so as to hereafter read as follows:

Section 1. Be it enacted by the Legislature of the State of Texas:

That foreign, private, or public corporations, joint stock companies or associations, not incorporated by the laws of this State, and doing business within this State, may be sued in any court within this State having jurisdiction over the subject matter, in any county where the cause of action or a part thereof accrued, or in any county where such company may have an agency or representative, or in the county in which the principal office of such company may be situated; or when the defendant corporation has no agent or representative in the State, then in the county where the plaintiffs or either of them reside.

Sec. 2. Whereas the near approach of the close of the session of the Legislature creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, therefore said rule is hereby suspended, and this act shall take effect and be in full force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the Senate, and passed the same by a vote of 27 yeas, no nays; and passed the House by a vote of 71 yeas, 11 nays.]

Approved, April 4, 1887.

### LIQUOR DEALER'S LICENSE.

#### Sec.

1. Requiring liquor dealers to post license conspicuously, etc.
2. Prescribing penalty for failing or refusing to post license.
3. Clerk to reissue license in event of loss of original.

#### Sec.

4. Person violating this act to be arrested without warrant—Prescribes penalty against peace officer for failing to arrest.
5. Emergency clause.

CHAP. 138.—[S. B. No. 251.] An Act to require occupation license to be posted, by persons, firms, and corporations upon whom an occupation tax as a retail liquor dealer is levied, in their places of business, and to punish violations of the same.

Section 1. Be it enacted by the Legislature of the State of Texas: That any person, firm, or corporation required by the statutes of this State to pay an occupation tax as a retail liquor dealer, shall post and keep posted in a conspicuous place in his or their place or places of business, his or their occupation license for the tax due the State, county, and city on the occupation in which they are engaged. Said occupation license shall be posted as above specified before any person, firm, or corporation subject to the occupation tax shall engage in business.

Sec. 2. Any person, firm, or corporation failing, neglecting, or refusing to post and keep posted their occupation licenses, as required in section one of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in double the amount of their occupation tax for each offense, and each day any person, firm, or corporation shall violate the provisions of this act shall constitute a separate offense.

Sec. 3. If from any cause any certificate of occupation license shall be lost or destroyed, it shall be the duty of the clerk, upon application of the person, firm, or corporation who formerly had such license, to furnish a new certificate for the remainder of the term covered by the license lost or destroyed.

Sec. 4. Any person violating the provisions of this act may be arrested without warrant by any peace officer, and carried before the nearest justice of the peace for trial; and any peace officer who shall fail or refuse to arrest such person, on his own knowledge, or upon information from some credible person, shall be punished by fine not exceeding five hundred dollars.

Sec. 5. Whereas there is no law for the enforcement of the collection

of occupation tax, and whereas the near approach of the close of this session renders it impracticable to read this bill on three several days, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and this bill be placed on its third reading and final passage.

Approved, April 4, 1887.

## RAILROADS—REGULATING SHIPMENT OF FREIGHT.

Sec.

1. Regulates applications for cars by shippers, and duties of railroads as to furnishing cars thereto.
2. Application shall state number of cars, and when wanted, etc.
3. Prescribes forfeiture for failing to furnish cars.

Sec.

4. Applicant to deposit one-fourth of freight charge, unless, etc.—Forfeiture for failing to use cars.
5. Delivery of freight, unloading cars, etc.
6. As to burden of proof in suits for delayed freights.
7. Emergency clause.

CHAP. 130.—[S. B. No. 272.] An Act to regulate the shipment of freights, and to require railway companies to furnish sufficient cars to transport the same, and to provide penalties for failure so to do.

Section 1. Be it enacted by the Legislature of the State of Texas: That when the owner, owners, or managers of any freight of any kind shall make application in writing to the superintendent or person in charge of transportation, to any railway company operating a line at the point the cars are desired, upon which to ship any freight, it shall be the duty of such railway company to supply the number of cars required at the point indicated in the application within a reasonable time, not to exceed six days from the receipt thereof, and shall furnish such cars to the persons applying therefor in the order applied for, without giving preference to any person.

Sec. 2. Said application for cars shall state the number of cars desired, the place at which they are desired, and the time they are desired: Provided, That the place designated shall be at some station or switch on the railroad.

Sec. 3. When cars are applied for under the provisions of this act, if they are not furnished, the railway company so failing to furnish them shall forfeit to the party or parties so applying for them the sum of twenty-five dollars per day for each car failed to be furnished, to be recovered in any court of competent jurisdiction, and all actual damages that such applicant may sustain.

Sec. 4. Such applicant shall at the time of applying for such car or cars deposit with the agent of such company one-fourth the amount of the freight charged for the use of such cars unless the said board shall agree to deliver said cars without such deposit, and said applicant shall within forty-eight hours after such car or cars have been delivered and placed as hereinbefore provided, it shall be the duty of the applicant to fully load the same, and upon failure to do so he shall forfeit and pay to the company the sum of twenty-five dollars for each car not used. And if the said applicant shall not use such cars so ordered by him and shall so notify the said company or its agent, he shall forfeit and pay to the said railroad company in addition to the penalty herein prescribed the actual damages that such company may sustain by the said failure of the applicant to use said cars.

Sec. 5. When cars have been supplied and loaded it shall be the duty of the railway company to deliver the same to the party or parties to whom they are consigned within a reasonable time, and the party or parties to whom the cars are consigned shall unload the same within forty-eight hours after delivery and notice, or forfeit to the railway company the sum of twenty-five dollars per day for each car so left unloaded, to be recovered in any court of competent jurisdiction.

Sec. 6. It shall be necessary for the party or parties bringing suit against any railroad company under the provisions of this act, to show by evidence that he or they had on hand at the time any demand for cars was made the amount of lumber, cotton, wool, hides, or other freight necessary to load the cars so ordered: Provided, That the provisions of this law shall not apply in cases of strikes or other public calamity.

Sec. 7. The near approach of the close of the present session of the Legislature creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended.

Approved, April 4, 1887.

#### COUNTY INDEBTEDNESS—SALE OF BONDS.

Sec.

1. Commissioners authorized to sell certain bonds and reinvest proceeds.
2. Conditions respecting such sales.

Sec.

3. Order for such sale, how made, etc.
4. Emergency clause.

CHAP. 140.—[H. B. No. 271.] An Act to provide for the sale of a certain class of bonds and the reinvestment of their proceeds.

Section 1. Be it enacted by the Legislature of the State of Texas: That any county at any time having its school funds derived from the sale of its county school lands invested in the bonds of the United States, of this State, or of any county, shall have the authority to sell these bonds, when in the opinion of the county commissioners court it shall be deemed for the best interest of the fund, and invest the proceeds in its own or any other county bonds duly and lawfully issued.

Sec. 2. Such sale and reinvestment shall be made only when the proceeds of the sale can be reinvested in such county bonds bearing the same or a greater rate of interest, and having the same or a longer time to run before their maturity, and no commission shall be paid the county judge or any other officer for making such sale or reinvestment. And the said court shall never pay a higher price for the bonds in which it is proposed to reinvest such proceeds, than the price at which such other bonds were sold.

Sec. 3. The order for the sale and reinvestment shall be made by the county commissioners court at some regular term thereof, when there is a full court present, and not less than four in number shall concur in the said order, the names of those concurring being spread on the minutes of the said court. Whenever county bonds are purchased for the permanent public school fund of any county in this State, the commissioners court of the county purchasing or owning such bonds shall cause to be written upon the face of each of said bonds in substance as follows, "This bond belongs to the public school fund of (naming the county), and shall not be assigned or transferred except by an order of the commissioners court of this county," and upon each coupon on any such bond shall be written as follows, "Owned by (naming the county) county." These endorsements shall be signed by the county judge of the county owning such bonds and coupons. Any such bond or coupon thus endorsed shall be non-negotiable.

Sec. 4. Whereas in one or more counties bonds have been issued by said county or counties bearing a higher rate of interest than those held by said county or counties against the State; therefore, an emergency exists, and an imperative public necessity requires that the rule requiring that

bills be read on three several day be suspended, and this act shall take effect and be in force from and after its passage.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 77 yeas; and passed the Senate by a vote of 23 yeas, 1 nay.]

Approved, April 4, 1887.

# BRIDGES.

Sec.

1. Commissioners court authorized to buy or construct bridges, and to that end may issue bonds to pay for same, etc.
2. Amount of tax that may be levied for purposes of this act.
3. Provides for the sale of bonds—Limits amount of indebtedness that may be contracted.

Sec.

4. Execution and registration of bonds.
5. Sinking fund, application and investment of.
6. Commissioners court may contract for use of private bridge, etc.
7. Repealing section.
8. Emergency clause.

CHAP. 141.—[H. S. S. B. No. 54.] An Act to authorize counties to buy, construct, or contract for the use of bridges, and to issue bonds and levy taxes to pay for the same, and to repeal all laws in conflict herewith.

Section 1. Be it enacted by the Legislature of the State of Texas: That the county commissioners courts of the several counties of this State are hereby authorized and empowered to issue bonds of said county, with interest coupons attached, for such amounts as may be necessary, for the purpose of buying or constructing bridges for public uses within such county, said bonds to run not exceeding twenty years and bear interest at any rate not to exceed eight per cent per annum.

Sec. 2. The commissioners court shall levy an annual ad valorem tax, not to exceed fifteen cents on the one hundred dollars valuation, sufficient to pay the interest on and create a sinking fund for the redemption of said bonds. The sinking fund herein provided for shall not be less than four per cent on the full sum for which the bonds are issued.

Sec. 3. Said bonds shall never be sold at less than their face value, and the interest of the same shall be paid annually on the the tenth day of April of each year; and they shall be registered, and an account kept by the county treasurer of the amount of said bonds, and the principal and interest paid on each, in a well bound book for that purpose: Provided, That no county already indebted shall issue a larger amount of bonds than a tax of ten cents on the one hundred dollars valuation of property in the county will liquidate in ten years; and the counties having no debts may issue such amount of bonds as a tax of ten cents on the one hundred dollars valuation of property in the county will liquidate in twenty years.

Sec. 4. Said bonds shall be signed by the county judge, and countersigned by the county clerk, and registered by the treasurer, before they are delivered.

Sec. 5. Money in the hands of the county treasurer belonging to the sinking fund of any county shall be first applied to the payment of said bonds, or be invested in other bonds of that county or other counties in the State, or in bonds of this State or the United States: Provided, In no case shall more than the face value be paid for the bonds above mentioned.

Sec. 6. The commissioners court of any county in this State may, when the cost of constructing a bridge over any bay or river in said county is two hundred and fifty thousand dollars or more, contract with any person, company, or corporation for the right of the public to use such bridge, in such manner, upon such terms, and for such annual compensation as may be agreed upon by and between the owner or owners of such bridge and the commissioners court of the county where said bridge may be located: Provided,

no contract for the use of any such bridge shall be made for a longer time than twenty-five years. The commissioners court shall levy a tax sufficient to pay the annual amount contracted for.

Sec. 7. All laws in conflict herewith be and the same are hereby repealed.

Sec. 8. The near approach of the close of the session of the Legislature, and the importance of a law authorizing the issuance of bridge bonds, creates an emergency, and a public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 71 ayes, 19 nays; and passed the Senate by a two-thirds vote.]

Approved, April 4, 1887.

#### CITIES AND TOWNS.

Sec.

1. Amends Title 17, Chapter 4, Revised Statutes, by adding Article 410, as to hiring persons convicted of violation of city ordinances.

Sec.

2. Emergency clause.

CHAP. 142.—[S. B. No. 269.] An Act to amend Chapter Four, Title 17, of the Revised Civil Statutes of the State of Texas, by adding thereto Article 410a, so as to provide for the hiring of convicts in incorporated cities and towns.

Section 1. Be it enacted by the Legislature of the State of Texas: That Chapter Four, Title 17, of the Revised Civil Statutes of the State of Texas, be amended by adding thereto Article 410a, which shall read as follows:

Article 410a. To compel any person who may be convicted of a violation of any of the ordinances of the city, and who may be committed to jail in default of the payment of the fine and costs adjudged against such person, to be hired out to any individual, company, or corporation within the county in which said conviction is had (and to remain in said county), for the purpose of paying off and discharging said fine and costs, under such regulations as may be prescribed by ordinance; and to pass such ordinances as may be necessary to the regulation and enforcement of said contract of hiring.

Sec. 2. The near approach of the close of the session creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended.

Approved, April 4, 1887.

#### GLASSCOCK COUNTY—CREATED OUT OF TOM GREEN COUNTY.

Sec.

1. Creates and declares the boundaries of Glasscock County.
2. This county is named in honor of George W. Glasscock.

Sec.

3. Glasscock attached to Martin for judicial and all other purposes.
4. This county to pay its pro rata share of Tom Green County debts for public buildings.
5. Emergency clause.

CHAP. 143.—[H. B. No. 576.] An Act to create out of Tom Green County a new county to be known as Glasscock County, and to provide for its organization.

Section 1. Be it enacted by the Legislature of the State of Texas: That the following new county shall be and is hereby created out of the eastern portion of Tom Green County, and the name and boundary thereof shall be as follows:

The County of Glasscock: Beginning at the northeast corner of Midland County; thence east with the line of Tom Green County thirty (30) miles; thence south thirty (30) miles; thence west thirty (30) miles; thence north along the east boundary line of Midland County to the place of beginning.

Sec. 2. The county of Glasscock is named in honor of George W. Glasscock, who participated in the struggle for Texas independence, and was at the storming and capture of the Alamo on the tenth of December, 1835, and was in the Grass fights and other engagements which resulted in the independence of Texas.

Sec. 3. The county of Glasscock be and is hereby attached to the county of Martin for judicial, surveying, and all other purposes.

Sec. 4. The new county to be created by this act shall pay a pro rata share of the existing debt of the county of Tom Green contracted for public buildings, and there shall be set apart so much of the county tax levied and collected upon the property situated in the portion so taken from the county of Tom Green annually as shall be sufficient to speedily liquidate said debt, if any.

Sec. 5. Whereas the fact that another regular session of the Legislature will not be held for two years, and the further fact that the present session is drawing to a close, and the isolated condition of the people of the proposed new county amounts to a practical denial of justice, creating an emergency and an imperative public necessity for suspending the constitutional rule requiring bills to be read on three several days, and that this act go into effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 74 yeas, 1 nay; and passed the Senate by a vote of 21 yeas, 1 nay.]

Approved, April 4, 1887.

#### RAILROADS—CONSOLIDATION OF PARALLEL LINES.

Sec.

1. Prohibits the consolidation of parallel or competing lines.
2. Prescribes penalty against officers, etc., for violating terms of this act.

Sec.

3. Defines term corporation as used in this act.
4. Venue of prosecutions under this act.
5. Emergency clause.

CHAP. 144.—[S. B. No. 220.] An Act to carry into effect Section Five, of Article Ten, of the Constitution of the State of Texas, prohibiting the consolidation of parallel or competing railroads, and to prescribe a penalty for the violation thereof.

Section 1. Be it enacted by the Legislature of the State of Texas: That it shall be unlawful for any railroad corporation or other corporation, or the lessees, purchasers, or managers of any railroad corporation, to consolidate the stocks, property, works, or franchises of such corporation with, or lease or purchase the stocks, property, works, or franchises of any other railroad corporation owing or having under its control or management a competing or parallel line; nor shall any officer, agent, manager, lessee, or purchaser of such railroad corporation act as or become an officer, agent, manager, lessee, or purchaser of any other railroad corporation in leasing or purchasing any parallel or competing line.

Sec. 2. Any officer, director, manager, superintendent, agent, purchaser, or lessee of any such railroad corporation or other corporation, who shall violate or aid in violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one thousand dollars nor more than four thousand dollars: Provided, That no person shall be liable to punishment under this act who has not,



by virtue of his office, agency, or position, a voice in the management of the railway company, or who has not, by virtue of his office, agency, or position, some power to prevent a violation of this act.

Sec. 3. Railroad corporation or other corporation, as used in this act, is declared to mean any corporation, company, person, or association of persons who own or control, manage, or operate any line of railroad in this State.

Sec. 4. Indictments and prosecutions under the provisions of this act may be found and made in any county through or into which the line of railroad may run, and it shall be the duty of district judges to charge the grand juries upon this law the same as in other cases.

Sec. 5. Whereas there is no law enforcing the above provision of the Constitution, and whereas the near approach of the close of this session of the Legislature rendering it impracticable to read this bill on three several days, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days, be suspended, and it is so suspended.

Approved, April 4, 1887.

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#### GOVERNOR.

Sec.

1. May order the institution of certain suits, etc.

Sec.

2. Emergency clause.

CHAP. 145.—[H. B. No. 529.] An Act to authorize the Governor to order through the proper officials the institution, prosecution, or defense of any civil action or suit whenever he deems such course proper for the assertion or defense of any right of the State, and to render to said officials such assistance as to him may seem necessary or expedient.

Section 1. Be it enacted by the Legislature of the State of Texas: That the Governor is hereby authorized to order through the proper officials the institution, prosecution, or defense of any civil action or suit whenever he deems such course proper for the assertion or defense of any right of the State, and to render to said officials such assistance as to him may seem necessary or expedient.

Sec. 2. The near approach of the close of the session, and the fact that litigation affecting important interests of the State is pending, impending, and necessary, and that there is no law now in force sufficiently regulating this subject, create an imperative public necessity and an emergency that the constitutional rule requiring a bill to be read on three several days be suspended, that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 86 yeas; and passed the Senate by a vote of 23 yeas, 5 nays.]

Approved, April 4, 1887.

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#### GENERAL APPROPRIATION FOR CURRENT EXPENSES OF STATE GOVERNMENT.

CHAP. 146.—[H. B. No. 448.] An Act making an appropriation for the support of the State government for the years beginning March 1, 1887, and ending February 28, 1889, and for other purposes.

Section 1. Be it enacted by the Legislature of the State of Texas: That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated, out of any moneys in the treasury

not otherwise appropriated, for the support of the State government for the years beginning March 1, 1887, and ending February 28, 1889, and for other purposes:

**Executive Office.**

	Year ending	
	February 29, 1888.	February 28, 1889.
For salary of Governor.....	\$4,000 00	\$4,000 00
salary of private secretary.....	1,800 00	1,800 00
additional clerical assistance for Governor's of- fice .....	400 00	400 00
books and stationery.....	300 00	300 00
freight, postage, and telegraph.....	800 00	800 00
porter hire.....	360 00	360 00
fuel and gas for mansion.....	500 00	500 00
contingent expenses.....	300 00	300 00
Governor's mansion, grounds, telephone, etc.,...	500 00	500 00
payment of rewards and other contingent ex- penses necessary in the enforcement of the laws .....	15,000 00	15,000 00
furniture and repairs of mansion.....	2,000 00	
furniture and files in office.....	150 00	
fuel and gas for office.....	100 00	100 00
water for mansion per contract.....	100 00	100 00

**State Department.**

For salary of Secretary of State.....	\$2,000 00	\$2,000 00
salary of chief clerk.....	1,650 00	1,650 00
salary of assistant clerk.....	1,200 00	1,200 00
salary of assistant clerk.....	1,000 00	1,000 00
extra clerk hire.....	200 00	
porter .....	360 00	360 00
freight, postage, and express.....	1,500 00	1,500 00
books and stationery.....	400 00	400 00
fuel and lights.....	125 00	125 00
contingent expenses.....	50 00	50 00
furniture and files.....	150 00	150 00
advertising constitutional amendments, etc.....	10,000 00	

**Treasury Department.**

For salary of Treasurer.....	\$2,500 00	\$2,500 00
salary of chief clerk.....	2,000 00	2,000 00
salary of bookkeeper.....	1,600 00	1,600 00
salary of receiving clerk.....	1,500 00	1,500 00
salary of corresponding clerk.....	1,400 00	1,400 00
salary of two bookkeepers in the land depart- ment, \$1,400 each.....	2,800 00	2,800 00
salary of two assistant bookkeepers in the land department, \$1,200 each.....	2,400 00	2,400 00
salary of one examining clerk.....	1,400 00	1,400 00
salary of one night watchman in interior of Treasury Department.....	900 00	900 00
two clerks, \$1,000 each.....	2,000 00	2,000 00
salary of porter, who also acts as messenger and collector.....	600 00	600 00

	Year ending	
	February 29, 1888.	February 28, 1889.
For books and stationery.....	\$300 00	\$300 00
wood and lights.....	150 00	150 00
postage.....	300 00	300 00
contingent expenses.....	50 00	50 00
desks, cases, etc.....	50 00	50 00
keeping in repair time-locks and combinations...	50 00	50 00

## Comptroller's Department.

For salary of Comptroller.....	\$2,500 00	\$2,500 00
salary of chief clerk.....	1,800 00	1,800 00
salary of bookkeeper.....	1,600 00	1,600 00
salary of receiving clerk.....	1,500 00	1,500 00
extra clerk hire from March 1, 1887, to April 5, 1887.....	87 50	
salary of chief tax clerk.....	1,500 00	1,500 00
salary of two warrant clerks, at \$1,500 each,....	3,000 00	3,000 00
salary of two corresponding clerks, at \$1,400 each.....	2,800 00	2,800 00
salary of two auditing clerks at \$1,400 each.....	2,800 00	2,800 00
salary of deposit warrant clerk.....	1,400 00	1,400 00
salary of redemption clerk.....	1,400 00	1,400 00
salary of ten first assistant clerks, at \$1,250 each.	12,500 00	12,500 00
salary of eight second assistant clerks, at \$1,000 each.....	8,000 00	8,000 00
fuel and light.....	350 00	350 00
telegraphing, and postage for correspondence, and assessment rolls.....	3,000 00	3,000 00
books, stationery, and binding rolls, and contingent expenses.....	2,500 00	2,500 00
salary of one night watchman on ground floor, appointed by Comptroller.....	900 00	900 00
salary of porter and messenger.....	360 00	360 00
furniture, cases for books and assessment rolls, pigeon-holes for papers, etc.....	250 00	250 00
examining clerk.....	1,400 00	1,400 00

## General Land Office.

For salary of Commissioner.....	\$2,500 00	\$2,500 00
salary of chief clerk.....	1,800 00	1,800 00
salary of first assistant clerk.....	1,500 00	1,500 00
salary of receiving clerk.....	1,800 00	1,800 00
salary of Spanish clerk.....	1,600 00	1,600 00
salary of examining clerk (passes on titles),....	1,500 00	1,500 00
salary of calculator.....	1,350 00	1,350 00
salary of chief patenting clerk.....	1,350 00	1,350 00
salary of abstract clerk.....	1,200 00	1,200 00
salary of two filing clerks, at \$1,200 each,....	2,400 00	2,400 00
salary of two corresponding clerks, at \$1,400 each.....	2,800 00	2,800 00

	Year ending	
	February 20, 1888.	February 28, 1887.
For salary of two school and university land clerks, at \$1,200 each.....	\$2,400 00	\$2,400 00
salary of five patenting clerks, at \$1,200 each.....	6,000 00	6,000 00
salary of two copying clerks, at \$1,080 each.....	2,160 00	2,160 00
salary of three general clerks, at \$1,080 each.....	3,240 00	3,240 00
salary of file room clerk.....	1,200 00	1,200 00
salary of corresponding clerk for school and uni- versity lands.....	1,400 00	1,400 00
salary of chief draftsman.....	1,800 00	1,800 00
salary of six compiling draftsmen, at \$1,500 each.....	9,000 00	9,000 00
salary of eight assistant draftsmen, at \$1,200 each.....	9,600 00	9,600 00
salary of night watchman.....	600 00	600 00
salary of porter.....	360 00	360 00
stationery, books, and furniture.....	3,000 00	3,000 00
postage.....	900 00	900 00
wood.....	250 00	250 00
contingent expenses.....	150 00	150 00
lithographic maps.....	800 00	800 00
building fence, and repairs on building, to be ex- pended within the next two years.....	1,000 00	
iron safe.....	600 00	
water, and repairs to fixtures.....	500 00	500 00

## Attorney-General's Office.

For salary and felony fees of Attorney-General.....	\$3,500 00	\$3,500 00
salary of office assistant.....	1,800 00	1,800 00
salary of one office assistant.....	2,500 00	2,500 00
salary of one stenographic clerk.....	1,400 00	1,400 00
stationery.....	150 00	150 00
postage.....	200 00	200 00
telegraphing.....	75 00	75 00
contingent expenses.....	50 00	50 00
fuel and lights.....	100 00	100 00
furniture and repairs.....	75 00	75 00
furnishing law books and periodicals.....	250 00	250 00
cost of depositions, etc.....	250 00	250 00
porter and messenger hire.....	300 00	300 00
actual and necessary traveling expenses in- curred by the Attorney-General or any of his assistants in giving attention to the State's business pending elsewhere than in the courts held in the city of Austin, "Vouchers to be under oath".....	200 00	200 00

## Adjutant-General's Office.

For salary of Adjutant-General.....	\$2,000 00	\$2,000 00
salary of chief clerk.....	1,200 00	1,200 00
stationery, postage, and telegraph.....	250 00	250 00

	Year ending	
	February 29, 1888.	February 28, 1889.
<b>For porter hire (this porter does service for the Adjutant-General and Superintendent of Public Instruction) . . . . .</b>		
	\$300 00	\$300 00
<b>fuel and incidental expenses . . . . .</b>		
	150 00	150 00
<b>handling and transportation of arms and ammunition, and for repairs of arms . . . . .</b>		
	500 00	500 00
<b>protection of the frontier and suppression of lawlessness and crime . . . . .</b>		
	30,000 00	30,000 00
<b>Adjutant-General's expenses as inspector of arms and troops, and other duty . . . . .</b>		
	300 00	300 00
<b>services of militia companies in case they are called into active service under the law, and for other military expenses, payment on order of Governor . . . . .</b>		
	10,000 00	10,000 00
<b>Insurance, Statistics, and History Department.</b>		
<b>For salary of Commissioner . . . . .</b>		
	\$2,000 00	\$2,000 00
<b>salary of chief clerk . . . . .</b>		
	1,600 00	1,600 00
<b>postage, lights, and expressage . . . . .</b>		
	400 00	400 00
<b>subscription to newspapers for binding . . . . .</b>		
	200 00	200 00
<b>books for State library . . . . .</b>		
	400 00	400 00
<b>office furniture . . . . .</b>		
	100 00	100 00
<b>contingent expenses . . . . .</b>		
	50 00	50 00
<b>Agricultural Bureau, in case one is added to the Department of Insurance, Statistics, and History, printing annual reports and other printing . . . . .</b>		
	1,600 00	1,600 00
<b>postage and blanks for correspondence and mailing annual reports . . . . .</b>		
	1,150 00	1,150 00
<b>clerk hire . . . . .</b>		
	1,200 00	1,200 00
<b>salary of librarian and office assistants . . . . .</b>		
	360 00	360 00
<b>Printing Board.</b>		
<b>For public printing . . . . .</b>		
	\$30,000 00	\$25,000 00
<b>Supreme Court.</b>		
<b>For salary of three judges . . . . .</b>		
	\$10,650 00	\$10,650 00
<b>books and stationery . . . . .</b>		
	1,000 00	1,000 00
<b>fuel and lights . . . . .</b>		
	500 00	500 00
<b>postage and contingent expenses . . . . .</b>		
	900 00	900 00
<b>furniture . . . . .</b>		
	100 00	100 00
<b>three librarians, \$300 each . . . . .</b>		
	900 00	900 00
<b>porter hire . . . . .</b>		
	540 00	540 00
<b>books and shelving . . . . .</b>		
	3,000 00	3,000 00
<b>sheriffs' attendance . . . . .</b>		
	300 00	300 00
<b>pay of clerks' costs in civil cases adjudged against the State . . . . .</b>		
	150 00	150 00
<b>books and stationery for Commissioners of Appeals . . . . .</b>		
	400 00	400 00
<b>fuel and lights . . . . .</b>		
	250 00	250 00
<b>postage and contingent expenses . . . . .</b>		
	600 00	600 00
<b>furniture . . . . .</b>		
	400 00	400 00

Year ending  
February 29, 1888.      February 28, 1889.

In case the Commissioners of Appeals are not appointed, then the appropriations are to be subject to the orders of the Supreme Court.

**Court of Appeals.**

For salary of three judges.....	\$10,850 00	\$10,650 00
clerks' fees in criminal cases.....	4,000 00	4,000 00
sheriffs' attendance on courts.....	300 00	300 00
postage and contingent expenses.....	900 00	900 00
fuel and lights .....	400 00	400 00
law books, to be selected by presiding judges....	300 00	300 00
one set of pigeon-holes, for records.....	165 00	
record books, stationery, and furniture.....	600 00	
salary and fees of Assistant Attorney-General, and traveling expenses .....	3,000 00	3,000 00
porter hire and his transportation.....	300 00	300 00

**Quarantine Department.**

For officers and employees.....	\$25,000 00	\$25,000 00
buildings and equipments .....	7,500 00	
repairs of buildings and purchase and main- tenance of boats, etc.....	2,500 00	

**Judicial Department.**

For salaries of district judges.....	\$107,500 00	\$107,500 00
salaries of district attorneys.....	20,000 00	20,000 00
salaries of criminal district attorneys.....	500 00	500 00
salaries of criminal district judges.....	2,500 00	2,500 00
fees and costs of sheriffs, clerks, and attorneys in felony cases .....	350,000 00	350,000 00
special judges .....	5,000 00	5,000 00
fees of county judges, justices of the peace, sheriffs, and constables of examining courts...	10,000 00	10,000 00
expenses attached witnesses .....	80,000 00	80,000 00
publishing Supreme Court reports.....	10,000 00	10,000 00
publishing Court of Appeals reports.....	10,000 00	10,000 00

**Capitol Building Commission.**

For salary of commissioners.....	\$3,600 00	\$3,600 00
salary of superintendent of construction.....	2,500 00	2,500 00
salary of secretary of capitol board, who shall also act as clerk of the penitentiary board....	1,800 00	1,800 00
incidentals, including books, stationery, and pos- tage .....	150 00	150 00
fuel and lights .....	50 00	50 00
contingent expenses in connection with the build- ing of the new capitol, the amount of each expenditure to be determined by the Governor and paid on his order.....	1,000 00	1,000 00

Year ending  
February 29, 1888.      February 28, 1889.

### Superintendent of Public Buildings.

For salary of superintendent.....	\$1,200 00	\$1,200 00
night watchman for second and third stories of temporary capitol building .....	600 00	600 00
labor on grounds and water closets at temporary capitol and labor at cemetery.....	600 00	600 00
water for temporary capitol and grounds.....	200 00	200 00
tile drainage .....	220 00	
water for State cemetery (per contract).....	200 00	200 00
lighting temporary capitol .....	600 00	600 00
repairs of temporary capitol and repainting same, including roof.....	500 00	
repairs of sewers and extension of sewers at river.	500 00	250 00

### Pension Department (Under Special Acts).

For pay of I. N. Alsberry.....	\$100 00	\$100 00
pay of Dillard Cooper.....	250 00	250 00
pay of R. M. Davis.....	100 00	100 00
pay of John Day .....	100 00	100 00
pay of J. E. Field.....	200 00	200 00
pay of J. W. Nichols.....	100 00	100 00
pay of H. M. Smith.....	250 00	250 00
pay of J. B. Thacher.....	100 00	100 00
pay of Mrs. S. L. Cole, widow David Cole.....	100 00	100 00
pay of D. T. Webb.....	100 00	100 00
pay of veterans under general laws.....	60,000 00	60,000 00

### State Lunatic Asylum.

For salary of superintendent.....	\$2,000 00	\$2,000 00
salary of first assistant physician.....	1,500 00	1,500 00
salary of second assistant physician.....	1,000 00	1,000 00
salary of bookkeeper and house steward.....	1,000 00	1,000 00
salary of matron.....	600 00	600 00
salary of apothecary .....	600 00	600 00
salary of engineer .....	750 00	750 00
salary of assistant engineer .....	500 00	500 00
salary of male supervisor.....	780 00	780 00
salary of female supervisor.....	480 00	480 00
salary of gardener, who shall also superintend the farm .....	600 00	600 00
salary of cook.....	480 00	480 00
salary of assistant cook.....	360 00	360 00
salary of two assistant cooks.....	480 00	480 00
salary of baker .....	480 00	480 00
salary of carpenter and blacksmith.....	480 00	480 00
salary of two firemen.....	720 00	720 00
salary of six night watchmen, at \$360 each.....	2,160 00	2,160 00
salary of head laundress.....	360 00	360 00
salary of six laundresses.....	1,440 00	1,440 00
salary of head seamstress.....	300 00	300 00

	Year ending	
	February 29, 1888.	February 28, 1889.
For salary of six seamstresses, at \$240 each.....	\$1,440 00	\$1,440 00
salary of male and female attendants.....	10,000 00	10,000 00
salary of two skilled female nurses.....	600 00	600 00
salary of three farm laborers.....	720 00	720 00
salary of dairyman.....	300 00	300 00
groceries, water, lights, fuel, etc.....	60,000 00	60,000 00
dry goods, bedding, and clothing.....	12,000 00	12,000 00
additional ward furniture.....	800 00	800 00
salary of scavenger.....	200 00	200 00
contingent expenses.....	1,000 00	1,000 00
medical stores, surgical instruments, and oper- ating chair.....	2,500 00	2,000 00
repairs, sewerage, and plumbing.....	5,000 00	5,000 00
transportation of patients.....	2,000 00	2,000 00

North Texas Insane Asylum.

For salary of superintendent.....	\$2,000 00	\$2,000 00
salary of assistant superintendent.....	1,500 00	1,500 00
salary of apothecary.....	600 00	600 00
salary of bookkeeper and steward.....	1,000 00	1,000 00
salary of matron.....	600 00	600 00
carpenter and painter.....	480 00	480 00
salary of gardener, who shall also have charge of the farm.....	480 00	480 00
farm and garden labor.....	400 00	400 00
salary of scavenger.....	200 00	200 00
salary of engineer.....	720 00	720 00
salary of two firemen.....	720 00	720 00
salary of cook and two assistants.....	960 00	960 00
salary of baker.....	400 00	400 00
salary of five laundresses.....	1,000 00	1,000 00
salary of three seamstresses.....	720 00	720 00
salary of ward attendants.....	6,000 00	6,000 00
salary of two night watchmen.....	720 00	720 00
salary of two skilled nurses.....	720 00	720 00
groceries, fuel, gas, and water.....	30,000 00	30,000 00
transportation.....	1,200 00	1,200 00
contingent expenses.....	750 00	750 00
dry goods, clothing, etc.....	6,000 00	6,000 00
milkman and dining-room girls.....	720 00	720 00
medical stores.....	1,500 00	1,500 00
wagons, hack harness, etc.....		250 00
one cart.....	50 00	
mules, horses, cows, and swine.....	250 00	250 00
shop and tools.....	50 00	50 00
trees, seeds, and stock.....	150 00	150 00
furniture, beds, etc.....	1,000 00	1,000 00
repairs and preservation of building.....	1,000 00	1,000 00
concrete floor and basement.....	600 00	
expenses of board to Austin to open bids.....	150 00	150 00

Provided, That the interest on all securities held by the Lunatic Asylum fund is hereby appropriated in part payment of the above appro-



Year ending  
February 29, 1888.      February 28, 1889. □

priation for the two lunatic asylums, the remainder of the appropriation to be paid out of the general revenue. All moneys now in or that may hereafter be paid into the treasury for the board and treatment of non-indigent patients, and from sales of personal property of the lunatic asylums at Austin and Terrell, shall be paid over to the State Treasurer monthly, and credited by him to the general revenue account.

#### Deaf and Dumb Asylum.

For salary of superintendent.....	\$2,000 00	\$2,000 00
salary of principal .....	1,000 00	1,000 00
salary of articulation teacher.....	600 00	600 00
salary of one additional teacher.....	720 00	720 00
salary of second and third additional teachers...	1,200 00	1,200 00
salary of fourth, fifth, sixth, seventh, and eighth additional teachers.....	2,400 00	2,400 00
salary of secretary and steward.....	600 00	600 00
salary of first matron.....	480 00	480 00
salary of second matron.....	480 00	480 00
salary of night watchman.....	360 00	360 00
salary of farmer and gardener.....	300 00	300 00
salary of three washers and ironers.....	540 00	540 00
salary of baker .....	360 00	360 00
salary of first cook.....	240 00	240 00
salary of second cook.....	216 00	216 00
salary of engineer and assistant.....	720 00	720 00
salary of laborer.....	240 00	240 00
salary of monitor.....	360 00	360 00
salary of monitress.....	240 00	240 00
salary of expert in bookbinding.....	600 00	600 00
salary of expert in printing.....	600 00	600 00
salary of expert in shoemaking.....	720 00	720 00
salary of expert in carpentering.....	720 00	720 00
supplies, water, provisions, etc.....	20,000 00	20,000 00
furnishing fund, etc.....	2,000 00	2,000 00
clothing for indigent pupils.....	700 00	700 00
transportation and miscellaneous for indigent pupils .....	750 00	750 00
tile drainage .....	220 00	
ornamenting and improving grounds.....	250 00	100 00
water for fire protection, as per contract.....	1,000 00	1,000 00
Provided, That the interest on all securities held by the Deaf and Dumb Asylum fund is hereby appropriated in part payment of the above appropriation, the remainder of the appropriation to be paid out of general revenue.		
For electric light plant.....	1,200 00	

Year ending  
February 29, 1888.      February 28, 1889.

**Blind Asylum.**

For salary of superintendent.....	\$2,000 00	\$2,000 00
salary of teachers in school, music, shop, and kindergarten .....	6,500 00	6,500 00
salary of matron and housekeeper.....	450 00	450 00
salary of assistant matron.....	360 00	360 00
salary of steward and bookkeeper.....	600 00	600 00
salary of oculist.....	900 00	900 00
salary of teacher of sewing and seamstress.....	300 00	300 00
salary of nurse and seamstress.....	300 00	300 00
salary of night watchman.....	500 00	500 00
salary of engineer and plumber.....	500 00	500 00
salary of cook and assistant.....	550 00	550 00
salary of laundresses.....	800 00	800 00
transporting indigent pupils .....	800 00	800 00
clothing indigent pupils.....	600 00	600 00
repair fund.....	1,500 00	1,500 00
water for fire protection (contract) .....	500 00	500 00
repairing old furniture and buying new.....	1,000 00	
To purchase books in raised print, music raised, and models and apparatus for little children in kindergarten .....	2,000 00	
For pianos, to replace old ones.....	700 00	
For groceries, provisions, and miscellaneous.....	18,000 00	18,000 00
To build additional work shops, laundry, dormitories, and equip the same; to build new fences and make good walks for pupils.....	10,000 00	

Provided, That the interest on all interest-bearing securities held by the Blind Asylum fund is hereby appropriated in part payment of the above appropriation, the remainder of the appropriation to be paid out of the general revenue.

**Public Debt Department.**

Claims of annual interest.....	\$256,062 20	\$256,062 20
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**Department of Education.**

For salary of Superintendent Public Instruction....	\$2,500 00	\$2,500 00
For the support of public free schools for the years ending July 1, 1888 and 1889, all the available public free school funds of said years, less the amount appropriated from the public free school fund by this act for other purposes.		
For salary of chief clerk.....	1,650 00	1,650 00
salary of second clerk.....	1,200 00	1,200 00
support of Sam Houston Normal Institute (to be paid out of the free school fund).....	20,000 00	20,000 00
text books for Sam Houston Normal Institute..	500 00	500 00
repairs, improvements on buildings and grounds.	6,000 00	3,000 00

	Year ending	
	February 28, 1888.	February 28, 1889.
For support of Prairie View Normal School, to be paid out of the available school fund, to be expended under the supervision of the board of directors of the Agricultural and Mechanical College .....	\$10,000 00	\$10,000 00
support of the agricultural and mechanical department to be attached to the Prairie View Normal School, out of the general revenue fund	5,000 00	5,000 00
text books for Prairie View Normal Institute..	250 00	250 00

Penitentiary Department.

The proceeds of all convict labor; in addition thereto, for the purpose of making up deficiency in monthly expenses .....	40,000 00	20,000 00
To purchase material to carry on prison industries..	40,000 00	20,000 00
To purchase timbered lands for coaling purposes....	25,000 00	
To repair the sugar machinery now on the State farm in Fort Bend County.....	2,500 00	
To purchase literature for convicts.....	250 00	250 00
For conveying convicts to penitentiaries.....	20,000 00	20,000 00

State University.

For the support and maintenance of the State University for the two years ending February 28, 1889, for the erection of buildings, improvement of grounds, and purchase of all necessary accessories, to be under the control of the board of regents, all of the available university fund on hand, and all interest on the permanent university fund, including bonds and all other interest-bearing indebtedness now or hereafter belonging to the permanent university fund, and all amounts derived from the lease of university lands, subject, however, to the appropriation herein made for the Agricultural and Mechanical College.

Agricultural and Mechanical College.

For the support and maintenance of the Agricultural and Mechanical College for the two years beginning March 1, 1887, and ending February 28, 1889:		
out of the general revenue.....	\$15,000 00	\$10,000 00
out of the university fund.....	5,000 00	5,000 00

Miscellaneous.

To pay officers of Duval County in full of all costs incurred in suits heretofore brought in that county in which the State of Texas was plaintiff.....	\$74 50
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	Year ending	
	February 29, 1888.	February 28, 1889.
To pay in full all claims against the State for supplies and money furnished to Captain Dan Tucker's rangers during the San Elizario riot in 1877...	\$1,253 97	
To pay D. T. Garrett in full all money paid into the State Treasury as the purchase money on lands for which he has been unable to acquire title.....	162 00	
To pay for repairing and inclosing of the monument heretofore erected in the memory of veterans who fell at Goliad under Colonel Fannin, which amount above mentioned to be expended under the directions and upon the voucher of the county judge and treasurer of the county of Goliad.....	750 00	
To pay S. D. Reeves in full all claims for the rent of furniture furnished the Commissioners of Appeals at Tyler during the years 1884 and 1885...	72 50	
To pay the officers of the Travis County District Court in full of all cost incurred and adjudged against the State in eighteen civil cases, in all of which causes the State of Texas was plaintiff, the same being in full of all fees and costs due said officers	1,077 75	
To refund to purchasers of public domain and other public lands the money paid by them into the State Treasury as the purchase money on lands for which they have been unable to acquire title, for the reasons mentioned in the act of April 14, 1883, page 113, General Laws (one-half to be paid out of the general revenue, and the other fund to which said money belongs).....	20,000 00	
For relief of liquor dealers where local option has been obtained.....	5,000 00	\$5,000 00
To refund to Annie Meyer, John I. Meyer, Nettie Meyer, Julius C. Meyer, Eli Meyer, and D. H. Meyer, heirs at law of J. J. Meyer, deceased, for eighty acres of land in Shackelford County, purchased by said J. J. Meyer, deceased, from the State, under Chapter 8, Title 79, Revised Statutes, and which land was by a judgment of the district court of said county, dated April 28, 1886, declared to be the property of John B. Kinchen and paid into the State treasury by said purchase was lost to him and held by the State without giving valuable consideration therefor.....	86 00	
To enable the agent of the State of Texas to collect the original evidence, and supply records, vouchers, etc., relating to the claim		

	Year ending February 29, 1888.	February 28, 1889.
of the State against the General Government for frontier defense, and to pay the agent while so engaged, to be expended under the direction of the Governor, and his warrant drawn for said purpose .....	\$2,500 00	
For accounts of sheriffs, clerks, and attorneys, accruing prior to March 1, 1887, and which were not provided for in the deficiency of appropriation....	15,000 00	
For accounts of justices of the peace and constables prior to March 1, 1887.....	1,500 00	

Sec. 2. The near approach of the close of the present session of the Legislature creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

Approved, April 5, 1887.

#### DEAF AND DUMB AND BLIND ASYLUM FOR COLORED YOUTH.

Sec.

1. Provides that the Governor shall appoint commissioners to select site of, in the vicinity of Austin.
2. Said board to purchase site, and to procure plans, specifications, etc

Sec.

3. Board of trustees to appoint superintendent. Selection of matron, etc.
4. Board of trustees shall make rules and regulations, etc.
5. Appropriates \$50,000 to establish said asylum.
6. Emergency clause.

CHAP. 147.—[S. H. B. No. 445.] An Act to establish an asylum for the deaf and dumb and the blind of the youth of the people of color of the State of Texas, and to provide for its government and maintenance, and making an appropriation therefor.

Section 1. Be it enacted by the Legislature of the State of Texas: That there shall be established an asylum for the deaf and dumb and the blind of the youth of the people of color in this State. It shall be the duty of the Governor of this State immediately after the passage of this act to appoint three commissioners to select a suitable site for said asylum; said site to be at or near the city of Austin, and shall not be less in extent than four acres of ground.

Sec. 2. Said board, after the selection of said site, shall be authorized to purchase the same, and to draw their draft on the Treasurer of the State, to be approved by the Governor, for the payment of the same; and shall have plans and specifications for said buildings prepared and said board shall advertise for bids for the building and completion of the same. Necessary additions, improvements, and repairs may be subsequently made under the authority herein contained for original construction. The selection of said site, the acceptance of all bids for construction, all plans, alterations, and payments or expenditures, shall be subject to the approval of the Governor.

Sec. 3. The board of trustees of this asylum shall appoint, as soon as required, a superintendent of said asylum, whose salary shall be fifteen hundred dollars per year. Said superintendent shall be a man of mature years and experience and familiar with the duties of the position to which he may be elected. He shall be under the control of and subject to removal by said board, and unless sooner removed by said board for cause shall hold his office for a term of two years.

Sec. 4. The board of trustees shall make all necessary rules and regulations for the government of said asylum, said rules and regulations to com-

port as nearly as may be practicable with the rules and regulations of the asylums for like purposes in this State. Said board of trustees shall prescribe the duties of all subordinate officers or assistants in said asylum; shall appoint and may remove all such officers or assistants, determine their duties and their compensation; but said rules, appointments, and compensation shall not be in force until approved by the Governor. The admission of all applicants to said asylum, their treatment, instruction, and continuance therein, all questions relating to their dismissal or removal, or voluntary departure, from said asylum, or employment therein or thereabout, shall be governed by the rules and regulations of the State asylums for white youths for the deaf and dumb and blind.

Sec. 5. The sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of the general revenue not otherwise appropriated, for the establishment of said asylum for the colored youth of Texas who are deaf and dumb or blind, in the State.

Sec. 6. The near approach of the end of the present session rendering it improbable that this bill can pass in the regular order of business, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 76 yeas, 9 nays; and passed the Senate by a vote of 23 yeas, 5 nays.]

Approved, April 5, 1887.

#### COSTS PAID BY THE STATE.

Sec.

1. Amends Article 1054, Chapter 2, Title 15, of the Code of Criminal Procedure, concerning fees allowed sheriff in felony cases.

Sec.

2. Emergency clause.

CHAP. 148.—[H. B. No. 441.] An Act to amend Article 1054, Chapter 2, Title 15, of the Code of Criminal Procedure.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 1054, Chapter 2, Title 15, of the Code of Criminal Procedure, be so amended as to hereafter read as follows:

Article 1054. To the sheriff or constable shall be allowed the following fees, in all cases where the charge is a felony, whether the defendant be convicted or acquitted, or the case be disposed of by nolle prosequi, or upon judgment of dismissal.

1. For executing each warrant of arrest or capias, or for making arrest without warrant, the sum of one dollar.

2. For summoning or attaching each witness, fifty cents.

3. For summoning jury, two dollars.

4. For executing death warrant, fifty dollars.

5. For removing a prisoner, for each mile going and coming, including guards and all other expenses, when traveling by railroad, fifteen cents; when traveling otherwise than by railroad, twenty-five cents: Provided, That when an officer goes beyond the limits of the State after a fugitive, on requisition from the Governor, he shall be allowed the same fees and mileage as for like services in this State. For each mile he may be compelled to travel in executing criminal process, summoning or attaching witnesses, five cents; for traveling in the service of process not otherwise provided

for, the sum of five cents for each mile going and returning; if two or more persons are mentioned in the writ, he shall charge for the distance actually and necessarily traveled in the service of the same.

6. For conveying a witness attached by him to any court or grand jury out of his county, his actual necessary expenses by the nearest practicable public conveyances, the amount to be stated by him under oath, and approved by the judge of the court from which the attachment issued, such account to become due when so approved, and the sheriff's or constable's return shall, in every instance, show the time and place of service.

7. For attending a prisoner on habeas corpus, where such prisoner is charged with a felony, for each day, two dollars, together with mileage as above, when removing such prisoner out of the county under proper authority, and all fees accruing under the provisions of this article to the sheriff or constable in cases where the charge is a felony shall become due at the close of each term of the district court.

Sec. 2. The near approach of the close of the session of the Legislature, and the impossibility to have this act read on three several days in each house, creates an imperative public necessity, and an emergency exists requiring the suspension of the constitutional rule requiring bills to be read on three several days, and that this bill be placed upon its immediate passage, and said rule is so suspended.

Approved, April 7, 1887.

#### TAXATION—BOARDS OF EQUALIZATION IN CITIES AND TOWNS.

Sec.

1. Provides for appointment by the city councils of a board of equalization.
2. Board to meet annually to receive assessors' lists, etc.
3. Empowers board to send for persons and papers. To administer oaths, etc.
4. Manner of equalizing property—Complaints, etc.
5. Additional duties of assessor and board of equalization.

Sec.

6. Provides for notice to parties to show cause why their valuation should not be raised.
7. Board shall lower values if satisfied they have raised same too high.
8. Approval of tax lists, etc.
9. Action of board shall be final, when.
10. Compensation of board and secretary.
11. Oath of members of the board.
12. Repealing clause.
13. Emergency clause.

CHAP. 149.—[H. B. No. 119.] An Act creating boards of equalization for cities and towns, and defining their duties.

Section 1. Be it enacted by the Legislature of the State of Texas: That the city councils of the several cities and towns of this State incorporated under the general laws shall annually, at their first meeting, or as soon thereafter as practicable, appoint three commissioners, each being a qualified voter, a resident, and property owner of the city or town for which he is appointed, who shall be styled the board of equalization, and at the same meeting said council shall by ordinance fix the time for the meeting of such board of equalization.

Sec. 2. The board of equalization shall convene annually, at the time fixed by the city council, to receive all the assessment lists or books of the assessor of their city, for examination, correction, equalization, appraisalment, and approval, and at all meetings of said board the city secretary shall act as secretary thereof.

Sec. 3. The board of equalization shall cause the assessor to bring before them at the time fixed for the convening of said board, all the assessment lists or books of the assessor of their city, for their examination, that they may see if each and every person has rendered his property at a fair market value; and said board shall have power to send for persons and papers, to swear and qualify persons who testify, to ascertain the value of such property; and if they are satisfied it is too high, they shall lower it to

its proper value; and if too low, they shall raise the value of such property to a proper figure. Said board shall also have power to correct any errors that may appear on the assessor's lists or books.

Sec. 4. The board of equalization shall equalize as near as possible the value of all the improved lots within the corporate limits of their city, having reference to the size and location of said lots and the improvements thereon, and shall equalize the value of unimproved lots as near as possible, having reference to the size and location thereof, and all other property of the same kind shall be made as nearly equal as possible. Any person may file with said board at any time before the final action of said board a complaint as to the assessment of his or any other person's property, and said board shall hear said complaint, and said complainant shall have the right to have witnesses summoned in sustaining said complaint as to the insurance on said property, or the rents and profits it may bring the holder thereof.

Sec. 5. The city assessor at the same time that he delivers to said board his lists and books, as provided in section three of this act, shall also furnish to said board a certified list of the names of all persons who either refuse to swear or qualify or to sign the oath or affirmation as required by law, together with a list of the property of such persons situated within the corporate limits of their city, as made by him through other information, and said board shall examine said lists and appraise the property so listed by the assessor.

Sec. 6. In all cases where the board of equalization shall find their duty to raise the value of any property appearing on the lists or books of the assessor, they shall, after having fully examined such lists or books and corrected all errors appearing therein, adjourn to a day not less than ten nor more than fifteen days from the date of adjournment, such day to be fixed in the order of adjournment, and shall cause the secretary of said board to give written notice to the owner of such property or to the person rendering the same of the time to which said board may have adjourned, and that such owner or person rendering the said property may at that time appear and show cause why the value of said property should not be raised, which notice may be served by depositing the same, properly addressed and postage paid, in the city postoffice.

Sec. 7. The board of equalization shall meet at the time specified in said order of adjournment, and shall hear all persons the value of whose property has been raised, and if said board is satisfied they have raised the value of such property too high they shall lower the same to its proper value.

Sec. 8. The board of equalization, after they have finally examined and equalized the value of all property on the assessor's lists or books, shall approve said lists or books and return them together with the lists mentioned in section five of this act, that he may make up therefrom his general rolls as required by law; and when said general rolls are so made up the board shall meet again to examine said rolls and approve the same if found correct.

Sec. 9. The action of said board at the meeting provided for in section seven of this act shall be final, and shall not be subject to revision by said board or by any other tribunal thereafter.

Sec. 10. The members of the board of equalization and the city secretary while acting as secretary of said board shall receive such compensation for their services, to be allowed by the city council, as said council may deem just and reasonable.

Sec. 11. Before said board shall enter upon their duties they shall be sworn, by any officer authorized by law to administer oaths, to faithfully



and impartially discharge all duties incumbent upon them by law as such board.

Sec. 12. All laws and parts of laws in conflict with this act are hereby repealed.

Sec. 13. An imperative public necessity and emergency exist that this act pass and take effect at once; it is therefore enacted that the rule requiring this act to be read on three several days be suspended, and that this act take effect and be in force from and after its passage.

[Note.—The foregoing act was presented to the Governor for his approval on the 4th day of April, A. D. 1887, but was not signed by him or returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. M. Moore, Secretary of State.]

## RESOLUTIONS.

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### No. 1.—[H. J. R. No. 2.] Joint Resolution to amend Section 20 of Article 16 of the State Constitution.

Section 1. Be it resolved by the Legislature of the State of Texas: That Section 20 of Article 16 of the Constitution be so amended as to read as follows, to-wit:

Section 20. The manufacture, sale, and exchange of intoxicating liquors, except for medical, mechanical, sacramental, and scientific purposes, is hereby prohibited in the State of Texas. The Legislature shall, at the first session held after the adoption of the amendment, enact necessary laws to put this provision into effect.

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors of the State of Texas at an election to be held for that purpose on the first Thursday in August, 1887, at which election all voters favoring said proposed amendment shall have written or printed on their ballots, "For State Prohibition," and those voting against said amendment shall have written or printed on their ballots, "Against State Prohibition." The Governor of the State is hereby directed to issue the necessary publication for said election under the existing election laws of the State.

Approved, March 4, 1887.

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### No. 2.—[S. H. J. R. No. 1.] Joint Resolution to amend Section 24, Article 3, of the Constitution of the State of Texas.

Section 1. Be it resolved by the Legislature of the State of Texas: That Section 24, of Article 3, of the Constitution of the State of Texas, be so amended as to hereafter read as follows:

Section 24. The members of the Legislature shall receive from the public treasury such compensation for their services as may be provided by law, not exceeding five dollars per day for the first ninety days of each session, and after that not exceeding two dollars per day for the remainder of the session. In addition to the per diem the members of each house shall be entitled to a mileage in going to and returning from the seat of the government, which mileage shall not exceed five dollars for every twenty-five miles, the distance to be computed by the nearest and most direct route of travel by land, regardless of railways or water routes, and the Comptroller of the State shall prepare and preserve a table of distance to each county seat now or hereafter to be established, and by such table the mileage of each member shall be paid; but no member shall be entitled to mileage for any extra session that may be called within one day after the adjournment of a regular or called session.

Sec. 2. That the Governor of this State shall issue his proclamation ordering an election to be held on the first Thursday in August, A. D. 1887, on this amendment, in accordance with Article 17, Section 1, of the Constitution, and those voting for the adoption of this amendment shall have written or printed on their ballots, "For the amendment to Section 24, Article 3,

of the Constitution," and those voting against the adoption of said amendment shall have written or printed on their ballots the words, "Against the amendment to Section 24, Article 3, of the Constitution."

Approved, March 8, 1887.

No. 3.—[S. J. R. No. 4.] Joint Resolution requesting the Attorney-General to at once institute suit in the District Court of Travis County, Texas, against all railroad companies or any chartered company or association of individuals, for the forfeiture and recovery of all lands and grants made and patented to them by the State, and who have obtained aid from this State in the donation of lands under their respective charters, or under a general or special law of this State, who have failed to comply with the law or the requirements in their respective charters to alienate such lands, or have made such alienation in fraud of the rights of the State.

Section 1. Be it resolved by the Legislature of the State of Texas: That the Attorney-General of this State is hereby requested to at once institute suit in the District Court of Travis County, Texas, against all railroad companies or any other chartered company or association of individuals, for the forfeiture and recovery for the State of all lands and grants made and patented to them by the State, and who have obtained aid from the State in the donation of lands under their respective charters, or under a general or special law of this State, who have failed to comply with the law or the requirements in their respective charters to alienate such lands, or have made such alienation in fraud of the rights of the State.

Approved, March 17, 1887.

No. 4.—[H. J. R. No. 18.] Joint Resolution to amend Section 11, of Article 7, of the Constitution of the State of Texas.

Section 1. Be it resolved by the Legislature of the State of Texas: That Section 11, of Article 7, of the Constitution of the State of Texas, be so amended as to read as follows, to-wit:

Section 11. It is hereby declared that all lands and other property heretofore set apart and appropriated for the establishment and maintenance of the University of Texas, together with all the principal of the proceeds of sales of the same heretofore made or hereafter to be made, and all grants, donations, and appropriations that may hereafter be made by the State of Texas, or from any other source, shall constitute and become a permanent University fund. And the same as realized and received into the treasury of the State (together with such sum belonging to the fund as may now be in the treasury), shall be invested in bonds of the United States, the State of Texas, the counties in said State, or in such other securities and under such restrictions as may be prescribed by law, and the State shall be responsible for all investments. And all the interest accruing thereon shall be subject to appropriation by the Legislature to accomplish the purpose declared in the foregoing section: Provided, That the one-tenth of the alternate sections of the lands granted to railroads reserved by the State, which were set apart and appropriated to the establishment of the University of Texas by an act of the Legislature of February 11, 1858, entitled "An Act to establish the University of Texas," shall not be included in or constitute a part of the permanent University fund.

Sec. 2. The foregoing amendment shall be submitted to a vote of the qualified electors of the State of Texas at an election to be held for that purpose on the first Thursday in August, 1887; at which election the voters

favoring this amendment shall have written or printed on their ballots the words "For the amendment to Article 7," and those opposed the words "Against the amendment to Article 7." The Governor of the State is hereby directed to issue the necessary proclamation for said election under the laws of the State.

Approved, March 29, 1887.

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No. 5.—[S. S. J. R. No. 3.] Joint Resolution proposing the submission of an amendment to Section 12, Article 8, of the Constitution of the State of Texas.

Section 1. Be it resolved by the Legislature of the State of Texas, That Section 12, Article 8, of the Constitution of the State of Texas, be so amended as hereafter to read as follows:

Article Eight.

Section 12. The Legislature shall provide for the assessment and collection of State and county taxes upon all property subject to taxation situated in unorganized counties: Provided, That such unorganized counties shall not be taxed to pay for public improvements in the organized county to which they are attached for judicial purposes.

Sec. 2. Be it further resolved, That the above and foregoing amendment to the Constitution of the State of Texas be submitted for adoption at an election ordered for that purpose to be held on the first Thursday in August, A. D. 1887, and the Governor of Texas is hereby authorized to issue his proclamation therefor according to law.

Approved, April 2, 1887.

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No. 6.—[S. J. R. No. 17.] Joint Resolution to amend Section Four, Article Six, of the Constitution of the State of Texas.

Section 1. Be it resolved by the Legislature of the State of Texas: That Section Four, of Article Six, of the Constitution of the State of Texas, be so amended as to hereafter read as follows.

Section 4. In all elections by the people the vote shall be by ballot, and the Legislature shall provide for the numbering of tickets, and make such other regulations as may be necessary to detect and punish fraud and preserve the purity of the ballot-box; and the Legislature may provide by law for the registration of all voters in all cities containing a population of ten thousand inhabitants or more, and in such counties as the Legislature may deem advisable.

Sec. 2. That the Governor of this State shall issue his proclamation ordering an election to be held on the first Thursday in August, A. D. 1887, on this amendment, in accordance with Article Seventeen, Section One, of the Constitution; and those voting for the adoption of this amendment shall have written or printed on their ballots the words, "For the amendment to Section Four, Article Six, of the Constitution," and those voting against the adoption of said amendment shall have written or printed on their ballots the words, "Against the amendment to Section Four, Article Six, of the Constitution."

Approved, April 4, 1887.

No. 7.—[S. J. R. No. 26.] Joint Resolution to amend Article Five of the Constitution of the State of Texas.

Be it resolved by the Legislature of the State of Texas, That Article Five of the Constitution of the State of Texas shall be so amended as to hereafter read as follows:

Article Five.

Section 1. The judicial power of this State shall be vested in one Supreme Court, one Court of Appeals, in district courts, and in such inferior courts as may from time to time be created by general or special law.

Section 2. The Supreme Court shall consist of such number of justices, not less than five nor more than seven, as may from time to time be determined by the Legislature. Such justices shall be elected by the qualified voters of the State at a general election, and shall hold their offices for the term of six years.

Section 3. The chief justice and the associate justices of the Supreme Court who may be in office when this amendment goes into effect, together with a sufficient number to make the number of five, shall constitute the Supreme Court until such number shall be increased by law. Upon the adoption of this amendment, the Governor shall appoint a sufficient number of justices of the Supreme Court, in addition to those who may be in office at the time, to make the number of five, who shall hold their offices until the next general election. The justices of the Supreme Court who may be in office when this amendment is adopted, shall continue to serve until their terms of office expire by the Constitution and laws under which they were elected.

Section 4. The justices of the Supreme Court shall select from their own number a presiding officer, who shall be called the chief justice, and who shall hold for such term and perform such duties as may be prescribed by the court: Provided, the chief justice who may be in office at the time when this amendment shall take effect shall be the chief justice of the Supreme Court hereby established until the expiration of his term of office under his former election or appointment.

Section 5. Each justice of the Supreme Court shall be a qualified voter, shall have arrived at the age of thirty years, and shall have been a practicing lawyer in this State, or a judge of a district court therein, or such judge and lawyer together, at least seven years at the time of his election or appointment.

Section 6. Each justice of the Supreme Court shall receive an annual salary of not more than three thousand six hundred dollars.

Section 7. The Supreme Court shall have power, upon affidavit or otherwise, as by the court may be thought proper, to ascertain such matters of fact, as may be necessary to the exercise of its jurisdiction.

Section 8. The Supreme Court shall have power to make rules of procedure for its own government, and the government of the other courts of the State over which it may have appellate jurisdiction: Provided, Such rules shall not be inconsistent with the laws of the State.

Section 9. The Supreme Court shall appoint a clerk for each place at which it may sit, who shall hold his office for four years, subject to removal by the court, and who shall give such bond as is or may be prescribed by law.

Section 10. The Supreme Court shall sit for the transaction of business from the first Monday in September to the last Saturday in June of every year, provided the business before it is not sooner disposed of, at the seat of government and at not more than two other places in the State.

Section 11. The Supreme Court may organize, for the more speedy dis-

patch of business, into such divisions as may be deemed expedient, and under such rules and regulations as may be prescribed by the court.

Section 12. The Supreme Court shall have appellate jurisdiction of civil cases, proceedings, and controversies, both as to law and fact, with such exceptions and under such regulations as may be provided by law.

Section 13. The Supreme Court and the justices thereof shall have power to issue all writs known to the law which may be necessary to the exercise of its jurisdiction, or to enforce the same; said court shall also have power by mandamus or otherwise compel the district and inferior courts to proceed with the trial of cases pending in said courts of which it would have cognizance on appeal.

Section 14. The Legislature may confer upon the Supreme Court exclusive original jurisdiction to issue writs of mandamus and injunction against the heads of State departments, except as against the Governor.

#### *Court of Appeals.*

Section 15. The Court of Appeals shall consist of three judges, who shall each be elected by the qualified voters of the State at a general election, and who shall hold their offices for the term of six years. The judges of the Court of Appeals, or so many of them as there may be, who shall be in office at the time this amendment shall take effect, shall be judges of said court as hereby established, and shall hold their said offices until the expiration of their respective terms under their former election or appointments. And should there be, at the adoption of this amendment, less than three judges of said Court of Appeals, the Governor shall appoint the requisite number of additional judges to constitute a court of three members, and the judges so appointed shall hold their office until the next general election.

Section 16. The several judges of the Court of Appeals shall possess the same qualifications and receive the same salary as justices of the Supreme Court. The judges shall select from their own number a presiding judge, who shall perform such duties and hold for such term as the court may prescribe. A majority of the court shall constitute a quorum, and the concurrence of two of the judges shall be necessary to a decision. The court shall sit at the same times and places as are prescribed for the Supreme Court. The court and the judges thereof shall have power to issue the writ of habeas corpus and all writs known to the law which may be necessary to the exercise of its jurisdiction or to enforce the same. They shall also have power by mandamus or otherwise to compel the district and inferior courts to proceed with the trial of cases pending in said courts of which the Court of Appeals would have cognizance on appeal. The court shall also have power to ascertain such facts as may be necessary in the exercise of its jurisdiction.

Section 17. The Court of Appeals shall have appellate jurisdiction of criminal cases, with such exceptions and under such regulations as may be prescribed by law.

Section 18. The Court of Appeals shall appoint a clerk for each place at which it may sit, who shall hold his office for four years, subject to removal by the court, and who shall give such bond as is or may be prescribed by law.

#### *District Court.*

Section 19. The State shall be divided into a convenient number of judicial districts, consisting of one or more counties. Regular terms of the court shall be held by the district judges at the county seat of each county

in the district at least twice in each year, in such manner as may be prescribed by general or local law.

Section 20. There shall be a district judge for each judicial district, who shall be elected by the qualified voters of the district at a general election. He shall hold his office for the term of four years from the date of his election. The district judges who may be in office when this amendment takes effect shall hold their offices until the expiration of their several terms under the present Constitution and laws.

Section 21. Each district judge shall be a qualified voter and resident of the district, shall have arrived at the age of twenty-eight years, and shall have been a practicing lawyer in this State at least six years, and shall reside in his district during his term of office.

Section 22. The judges of the district courts shall receive an annual salary of twenty-five hundred dollars, which shall be paid as prescribed by law.

Section 23. The district courts shall be courts of general jurisdiction. They shall have original jurisdiction, both civil and criminal, of all cases and special proceedings of which exclusive jurisdiction is not conferred on some other court, and in civil cases such jurisdiction shall be exercised without regard to any distinction between law and equity. Contested elections and other special cases, where the right to resort to the courts arises only out of legislative action, may be referred by the Legislature to the district court, or other tribunal, with or without the right of appeal to the Supreme Court, as may be prescribed by law.

Section 24. The district court shall have such appellate jurisdiction and such control over the inferior courts and tribunals in the county as may be prescribed by law.

Section 25. The district courts, and the judges thereof, shall have power to issue the writ of habeas corpus, and to render judgment therein, either in vacation or term time. They shall also have power to issue writs of mandamus, injunction, certiorari, and all writs known to the law which may be necessary to the exercise of their jurisdiction, or to enforce the same.

Section 26. Any district judge shall have power to hold a special term of the district court in any county of his district, under such circumstances and in such manner as may be directed by general or special law.

Section 27. There shall be a clerk of the district court of each county, who shall be elected by the qualified voters of the county, and who shall hold his office for two years, whose duties and compensation shall be prescribed by law.

Section 28. There shall be elected by the qualified voters of each county a sheriff, who shall hold his office for two years, whose duties, perquisites, and fees of office shall be prescribed by law.

Section 29. The Legislature shall provide for the election of district and county attorneys, and such other officers as may be deemed necessary to the due administration of justice, define their duties, and fix their compensation. The district attorneys and county attorneys who shall be in office at the time this amendment shall take effect, shall hold their offices until the expiration of their several terms under the present Constitution and laws.

Section 30. The judicial districts in this State and the time of holding courts therein shall remain as at present until otherwise provided by law.

Section 31. The criminal district court of Galveston and Harris counties shall continue with the jurisdiction, organization, and district now ex-

isting until otherwise provided by law, and the Legislature may establish such other courts, embracing one or more counties, with such criminal jurisdiction as may be provided by law. The qualifications, salaries, and tenure of office of the judges of said courts shall be the same as for judges of the district court.

Section 32. Grand and petit juries in the district court shall be composed of twelve men; but nine members of a grand jury shall be a quorum to transact business and present bills; and the Legislature may pass laws authorizing less than the whole number of a petit jury to render a verdict in civil and misdemeanor cases.

Section 33. All vacancies in the office of justice of the Supreme Court or Court of Appeals, or of judges of the district courts, shall be filled by the Governor by appointment for the unexpired term.

Section 34. The Legislature shall from time to time, by general or local law, establish county courts and such other inferior courts and provide for their officers, with such jurisdiction and qualification and powers as may be deemed expedient: Provided, The judges and presiding officers of such courts shall be elected, and until such courts are provided the district and other inferior courts now in existence, together with their officers, shall continue, and shall exercise the powers and jurisdiction now conferred on them; and appeals shall lie as at present, except that civil cases heretofore appealable to the Court of Appeals shall, until otherwise provided by law, be appealable to the Supreme Court under the rules and regulations now prescribed for appeals to that court: Provided, the Court of Appeals shall determine all civil cases pending before it at the time this amendment shall be declared a part of the Constitution.

Section 35. No justice or judge shall sit in any case wherein he may be interested in the question to be decided, or where either of the parties may be connected with him by affinity or consanguinity within such degree as may be prescribed by law, or where he shall have been counsel in the case. When a justice of the Supreme Court, or of the Court of Appeals, shall be disqualified to hear and determine any case or cases in said court, the same shall be certified by such court to the Governor of the State, who shall immediately commission the requisite number of persons, learned in the law, for the trial and determination of such case or cases. When the judge of a district court is disqualified, the parties may, by consent, appoint a proper person to try the case, or, upon their failure to do so, a competent person may be appointed by the Governor to try the case, in the county where it is pending, in such manner as may be prescribed by law. The district judges may exchange districts, or hold courts for each other, when they may deem it expedient, and shall do so when directed by law.

Section 36. District clerk's, sheriffs, prosecuting attorneys, and other officers, provision for whose removal from office is not otherwise specially provided for, may be removed from office by the judges of the district courts, for incompetency, official misconduct, habitual drunkenness, or drunkenness which does not amount to habitual drunkenness, or other causes defined by law, upon the cause therefor being set forth in writing, and the finding of its truth by a jury. Vacancies in all offices shall be filled as may be prescribed in this Constitution, or, in the absence of constitutional provisions, then, in such manner as may be prescribed by law; and, until otherwise provided, vacancies in office shall be filled in the manner now prescribed.

Section 37. The Legislature shall not create any court inferior to the district court with jurisdiction of suits in behalf of the State to recover



penalties, forfeitures, and escheats; of suits to recover damages for slander or defamation of character; of suits for divorce; or of suits for trial of title to land, or for the enforcement of liens thereon, except liens acquired by levy of process issued out of such court, or of civil cases wherein the amount in controversy exceeds one thousand dollars.

[Sec. 2.] Section 38. And be it further resolved, That the Governor be requested to submit to the vote of the State the foregoing proposed amendment to the Constitution at an election to be ordered on the first Thursday in August, A. D. 1887, in accordance with the provisions of Article 17 of the State Constitution; and at said election those desiring to vote for said amendment shall have written or printed upon their tickets the words, "For amendment of Article 5, relating to the judiciary," and those desiring to vote against said amendment shall have written or printed upon their tickets the words, "Against amendment of Article 5, relating to the judiciary."

Approved, April 4, 1887.

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THE STATE OF TEXAS,  
Department of State.

I, J. M. Moore, Secretary of State of the State of Texas, certify that the foregoing laws and joint resolutions, passed at the regular session of the Twentieth Legislature, have been carefully examined and compared with the original enrolled bills now on file in this department, and with the exception pointed out in the erratum, are true copies of said originals.

I further certify that the Twentieth Legislature convened in the City of Austin January 11, A. D. 1887, and adjourned April 4, A. D. 1887.

In testimony whereof I have subscribed my name, and hereto affixed  
[Seal.] the seal of the State of Texas, in the City of Austin, April 14, 1887.

J. M. MOORE,  
Secretary of State.

ERRATUM.

Page 100, Chap. 106, first line of Sec. 3, for "Llano," read "Lamb."

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**SPECIAL LAWS**

**OF**

**THE STATE OF TEXAS**

**PASSED AT THE**

**REGULAR SESSION OF THE TWENTIETH LEGISLATURE**

**CONVENED**

**AT THE CITY OF AUSTIN**

**JANUARY 11, 1887, AND ADJOURNED APRIL 4, 1887.**



**AUSTIN, TEXAS**  
**1887**



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# SPECIAL LAWS OF TEXAS.

## TWENTIETH LEGISLATURE, 1887.

### DALLAS CITY—AMENDMENTS OF CHARTER.

CHAP. 1.—[H. B. No. 280.] An Act to amend Sections 4 and 12 of an act entitled An Act amendatory of and supplementary to the several acts incorporating the city of Dallas, taking effect April 3, 1885, and to add thereto another section to be known as Section 15a, and also to amend Sections 25, 63, 84, 91, 94, 113, 126, 127, 133, and 179 of an act to incorporate the city of Dallas, approved August 9, 1876, and all amendments to said sections by the amendatory acts of July 9, 1879, April 3, 1881, and March 31, 1883, and to repeal all laws and parts of laws in conflict herewith.

Section 1. Be it enacted by the Legislature of the State of Texas: That Section 4 of an act amendatory of and supplementary to the several acts incorporating the city of Dallas, and taking effect April 3, 1885, be and the same is hereby amended so as to read as follows:

Section 4. The municipal government of the city of Dallas shall consist of a city council, composed of the mayor and two aldermen from each ward. A majority of the aldermen shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as they may prescribe. At called meetings, or meetings for the imposition of taxes, two-thirds of a full board shall be required. The other officers of the corporation shall be a city secretary, treasurer, an assessor, a collector, a city attorney, a city engineer, a city marshal, a city superintendent of water works, a health officer, a street superintendent, and such other officers and agents as the city council may hereafter create, all of whom shall be elected by the qualified voters of the city of Dallas, as provided for by the city charter, except the city secretary, city treasurer, and city attorney, who shall be elected by the city council at the first regular meeting in May, 1888, and every two years thereafter: Provided, That the assessor and collector mentioned in this section shall not be elected until the regular election of officers in 1888, when they shall be elected in such manner as may be provided for by the city charter.

Sec. 2. That Section 12 of said last named act be and the same is hereby amended so as to read as follows:

Section 12. The city council shall have power to fix the compensation of all city officers, and to regulate the fees of all jurors, witnesses, and others who render services under the charter and ordinances of said city. Whenever the city council shall fix the compensation to be paid any officer, whether elected by the people or by the council, they shall make the same payable monthly, out of the city treasury.

Sec. 3. That there be added to said last named act another section, to be known as Section 15a, which shall read as follows:

Section 15a. In all cases of special assessments for local improvements of any kind whatever, against any property, persons, or corporations whatsoever, and said assessment has failed to be valid, in whole or in part, because the charter provisions authorizing such assessment did not sufficiently point

out the mode and manner of making or enforcing the collection of such assessment, or because said assessment is void, insufficient, or inoperative for want of form or any non-compliance with the charter provisions governing such assessment, the city council shall be and are hereby authorized to reassess said special taxes or assessments against the property of persons or corporations that may have been benefited by the improvement made, and to enforce the collection of the same, said reassessment and collection to be made and enforced in accordance with the charter provisions existing at the time the reassessment is made.

Sec. 4. That Section 25 of an act to incorporate the city of Dallas, approved August 9, 1870, and all amendments thereto by the amendatory acts of July 9, 1879, April 3, 1881, and March 31, 1883, be and the same are hereby amended so as to read as follows:

Section 25. The assessor shall make up all the assessments of all property to be taxed by the city, including license and occupation taxes, and make duplicate rolls thereof; and on completion of said rolls and their approval by the city council, he shall deliver one of them to the city secretary and the other one to the collector, all to be done in such manner and by such time as the city council may prescribe by ordinance. The assessor shall perform such other duties as may be required of him by the city council. He shall receive for his services such salary as the city council may establish by ordinance. He shall give bond in such amount and in such form as the city council may prescribe, with good and sufficient sureties. He shall be and hereby is authorized to require the owners of all property subject to taxation by the city to render a correct account of the same under oath or affirmation, to be by him administered. The collector shall collect all taxes due the city, whether the same be general or special taxes, or special assessments for any purpose whatever. And in the event of the non-payment of any of said taxes or assessments, he shall proceed to sell property to satisfy the amount of said taxes and assessments, together with all costs and penalties, in accordance with the provisions of the charter in such cases made and provided. In the performance of his duties the collector shall observe the charter provisions concerning the collection of taxes heretofore applying to the office of assessor and collector, and shall be governed by the same so far as they may be applicable. He shall give bond in such amount and form as the city council may prescribe, with good and sufficient sureties. The city council may require a new bond whenever in their opinion the existing bond is insufficient; and whenever such bond is required, the collector shall perform no official act until said bond shall be given and approved. He shall at the expiration of every week pay to the city treasurer all money by him collected and report to the city council, at the first regular meeting in every month, all moneys so collected and paid. The collector shall perform all such other duties, and in such manner, and according to such rules and regulations, as the city council may prescribe. This section is not to be construed to authorize the collector and assessor herein mentioned to enter upon their respective duties herein provided for until after they shall be regularly elected in the year 1888, in such manner as may be provided in the city charter. All provisions now in the charter regulating the duties of the present assessor and collector, are hereby made to govern the collector provided for in this section, as far as the same may be applicable to the office of collector.

Sec. 5. That Section 63 of said last named act be amended so as to read as follows:

Section 63. To establish and regulate public pounds, and to regulate,

restrain, and prohibit the running at large of horses and mules, cattle, sheep, swine, and goats, and to authorize the detaining, impounding, and sale of the same for the costs of the proceedings and the penalty incurred, whether the owners thereof reside in or out of the city limits, and to order their destruction when they cannot be sold, and to impose penalties on the owners or keepers thereof for violation of such ordinance.

Sec. 6. That Section 84 of said last named act be amended so as to read as follows:

Section 84. To appropriate so much of the resources of the city, emanating from whatever source, for the purpose of retiring and discharging the accrued indebtedness of the city; and for the purpose of improving the public markets and streets, erecting and conducting city hospitals, city halls, water works, etc., as they may from time to time deem expedient; and in furtherance of these objects they shall have power to borrow money upon the credit of the city, and issue coupon bonds of the city thereof, in such sum or sums as they may deem expedient, to bear interest not exceeding six per cent per annum, payable semi-annually at such place as may be fixed by the city ordinance: Provided, That the aggregate amount of bonds issued by the city council shall at no time exceed one million dollars.

Sec. 7. That Section 91 of said last named act be amended so as to read as follows:

Section 91. That the city council shall have power to levy and collect taxes annually, known as license or occupation taxes, upon trades, professions, callings, and other business carried on, and upon carriages, hacks, coaches, buggies, drays, carts, wagons, and other vehicles used in said city, when the same are for public use; that each and every person or firm engaging in the following trades, professions, callings, and businesses, among others, shall be liable to pay such license tax; but this enumeration shall not be considered to deprive the city council of the right and power to levy and collect other license taxes, and from other persons and firms, under the general authority herein granted, whether the same be taxed by the State or not.

Sec. 8. That Section 94 of said last named act be amended so as to read as follows:

Section 94. That the city council may provide by ordinance for the exemption from taxation of such property as they may deem just and proper: Provided, Nothing contained herein shall be construed to allow the city council to exempt any persons, corporations, or property whatever from the payment of any special taxes or assessments whatever for local improvements of any kind or purpose whatever.

Sec. 9. That Section 113 of said last named act be and the same is hereby amended so as to read as follows:

Section 113. The city council are herein empowered to pass all ordinances necessary for the levying and proper assessment of all taxes and assessments provided for anywhere in any and all of the various acts incorporating the city of Dallas and in any and all acts amendatory thereof.

Sec. 10. That Section 126 of said last named act be and the same is hereby amended so as to read as follows:

Section 126. On the first Tuesday in November of each year, the collector shall offer at public sale, at the court house door in the city of Dallas, all real estate on which taxes or special assessments shall remain due and unpaid, and such sale shall be made to realize all taxes due on such lands and all interest and costs of sale: Provided, That this section shall not be construed to prevent the sale of real estate for special assessments at such

other times as may be provided for elsewhere in the city charter and ordinances in pursuance thereof.

Sec. 11. That Section 127 of said last named act be and the same is hereby amended so as to read as follows:

Section 127. Before such sale, notice of the time and place of sale, together with as near as may be a description of the property, shall be given by posting two notices, one at the court house and the other at the city hall in the city of Dallas, also by publication in some newspaper of the city once a week for at least four weeks before said sale, which notice shall contain a statement of the amount due on each particular piece of ground.

Sec. 12. That Section 133 of said last named act be and the same is hereby amended so as to read as follows:

Section 133. If from neglect of the officers, or from any other cause, real property is not duly advertised and sold on the first Tuesday in November of each year, then the city collector shall sell the same on the first Tuesday in December, or on the first Tuesday in any month thereafter, giving notice as provided for in Section 127 of this act.

Sec. 13. That Section 179 of said last named act be amended so as to read as follows:

Section 179. The city council are hereby empowered to enact all ordinances necessary for the enforcement of all the provisions contained in any and all acts incorporating the city of Dallas, or in any and all amendments thereto, and to levy, assess, and collect any and all taxes and assessments anywhere provided for in any of said acts of incorporation or in amendments thereto.

Sec. 14. That all laws and parts of laws in conflict herewith be and the same are hereby repealed; that the completion of the improvements now in course of construction creates an emergency, and an imperative public necessity exists that the constitutional rule be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 80 yeas, 1 nay; and passed the Senate by a vote of 25 yeas, 1 nay.]

Approved, March 4, 1887.

#### HEIRS OF WILHELM KUHLMAN—RELIEF OF.

CHAP. 2.—[H. B. No. 172.] An Act to authorize and require the Commissioner of the General Land Office to issue a patent to the heirs of Wilhelm Kuhlman for 320 acres of land located in Gillespie County on December 1, 1879, by virtue of Scrip No. 5.

Whereas the heirs of Wilhelm Kuhlman have heretofore received from the State of Texas land scrip No. 5 for 320 acres of land, issued by J. Portis, commissioner of Fisher and Miller's Colony, this certificate having been located in Gillespie County, on application of F. Winkel, by Julius Schuchard, the lawful county surveyor of said county, on the first day of December, 1879; and whereas said certificate, together with the field notes, properly authenticated, have been lost by mail while on the road to be returned to the General Land Office; and whereas, in consequence of the destruction of said certificate, a patent cannot be issued; and whereas said F. Winkel has given notice, as required by law in such cases, that he will apply to this Legislature for a special law granting the land located in Gillespie County, State of Texas, by virtue of said certificate No. 5, prior to the loss of the same.

Section 1. Be it enacted by the Legislature of the State of Texas: That the Commissioner of the General Land Office is hereby authorized and required to issue a patent for the 320 acres of land located in Gillespie County by virtue of said certificate No. 5, to the heirs of Wilhelm Kuhlman: Provided, the issuance of said patent as provided above shall not prejudice the claim or claims of any other claimant to said land.

Approved, March 15, 1887.

# VALIDATING PURCHASE OF SCHOOL LANDS BY PIERCE JOHNSTON.

CHAP. 3.—[H. B. No. 219.] An Act to validate the purchase by Pierce Johnston from the State of Texas of certain school sections of lands lying in La Salle County.

Whereas, on the — day of March, 1882, Pierce Johnston, county surveyor of La Salle County, purchased from the State of Texas, under the act of the Legislature approved April 6, 1881, six and one-half sections of land lying in La Salle County, belonging to the common school fund, viz.:

Survey.	Certificate No.	Original Grantee.
163.....	1015.....	H. & G. N. R. R. Co.
162.....	1016.....	H. & G. N. R. R. Co.
156.....	1017.....	H. & G. N. R. R. Co.
320 acres out of 22.....	89.....	Seale & Morris.
150.....	1018.....	H. & G. N. R. R. Co.
74.....	1599.....	B. S. & F.
76.....	1600.....	B. S. & F.

And whereas the said Pierce Johnston in all things complied with the law in making said purchase and paid into the State Treasury one-twentieth of the purchase money for said land; and whereas, in the winter of said year, 1882, the said Pierce Johnston sold and conveyed four and one-half sections of said land to Charles Sullivan, for the sum of three thousand one hundred and fifty dollars, the said Sullivan in addition thereto assuming to pay the State of Texas the balance of the purchase money due on the same; and whereas the said Pierce Johnston sold and conveyed the remaining two sections to Charles F. Shea, for a valuable consideration; and whereas both the said Sullivan and Shea purchased the same in good faith, under the impression that they were receiving a perfect title thereto, and in that belief have annually, as the law requires, paid into the State treasury the accrued interest on the unpaid purchase money assumed to be paid by them severally; and whereas they have improved said lands by a large outlay of money in constructing tanks and inclosing the same: Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas: That the purchase of said six and one-half sections of land by Pierce Johnston, county surveyor of La Salle County, on the — day of March, 1882, be and the same is in all things affirmed and validated, and to have the same force and effect as if the said Pierce Johnston had not been county surveyor at the time of said purchase.

[Note.—The foregoing act was presented to the Governor of Texas for his approval on the fifteenth day of March, 1887, but was not signed by him or returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. M. Moore, Secretary of State.]

## RELIEF OF J. B. EARLY.

CHAP. 4.—[H. B. No. 499.] An Act for the relief of J. B. Early, and to validate Bounty Land Certificate No. 831 and the survey made by virtue thereof, issued by Ben F. Hill, Adjutant-General of Texas, on the 29th day of May, 1851, for 240 acres of land, to Henry W. Ward, the said J. B. Early being now the owner of said certificates.

Whereas the land certificate issued to Henry W. Ward for 240 acres of land, on the 28th day of May, A. D. 1851, by the Adjutant-General of Texas, was by omission not presented for approval to the Commissioner of Claims, as required by law, said certificate being now in good faith located in Somervell County, for merly Hood County, Texas: Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas: That said land certificate issued to the said Henry W. Ward as aforesaid be and the same is hereby validated and declared a legal certificate, and the Commissioner of the General Land Office is hereby required to issue a patent by virtue of any location made by said certificate: Provided, That nothing herein contained shall be construed to affect any rights of B. J. Chambers to the land covered by the location hereby validated.

Sec. 2. The near approach of the close of the present session of the Legislature rendering it doubtful as to whether this act can pass in the regular course of legislation, creates an imperative public necessity and emergency requiring the suspension of the constitutional rule which requires bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 75 yeas, no nays; and passed the Senate by a vote of 24 yeas, 3 nays.]

Approved, March 29, 1887.

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GALVESTON CITY—AMENDMENTS OF CHARTER.

CHAP. 5.—[S. H. B. No. 75.] An Act to amend the charter of the city of Galveston, by amending Sections 2, 3, 14, 19, 23, 54, 116, 122, and 127 thereof, and by adding thereto Sections 73a, 96a, 131a, and 132a.

Section 1. Be it enacted by the Legislature of the State of Texas: That Sections 2, 3, 14, 19, 23, 54, 116, 122, and 127, of the Charter of the City of Galveston, be and the same are hereby amended so that they shall hereafter read as follows, to-wit:

Section 2. That the limits of said city shall embrace so much of the island of Galveston from the point thereof on the east to Fifty-sixth [street], or to include the league and labor of land known as the Menard grant: Provided, That said league and labor shall extend beyond Fifty-sixth street; thence to include Galveston Bay and Pelican Island, and one mile north thereof; and the waters of the Gulf of Mexico extending south one marine league from the shore, from the channel and anchorage on the eastern end of Galveston Island to the western boundary of the city, so as to extend the police authority and jurisdiction, inclusive of Pelican Island, over all the area and territory aforesaid: Provided, nevertheless, That jurisdiction shall extend from the eastern boundary of said city over all real estate beyond said limits purchased by said city for the use of the corporation: And provided furthermore, That all the municipal regulations of said city shall apply to, extend, and be in full force over the harbor and anchorage of Galveston, and to the bar at the entrance of said harbor, and the corporate authority

and jurisdiction shall extend from the eastern boundary of said city over the east end of Galveston Island, and over all real estate beyond said limits purchased by said city for the use of the corporation: And provided further, That the said limits may be hereafter extended, including and adding more territory to the same, whenever a majority of the inhabitants of said territory shall indicate a desire to be included within the limits of said city: And provided further, That neither the corporate limits nor the jurisdiction of said city shall extend to any point of the mainland so as to interfere or conflict in any wise with the riparian rights and privileges of the owners of the mainland or any part thereof bordering upon the waters of said bay: And provided further, That the jurisdiction of said city shall not extend over Bolivar Channel except for police and sanitary purposes.

Section 3. The municipal government of said city shall consist of a city council, composed of a mayor, and one alderman from each ward. A majority of the aldermen elected shall constitute a quorum for the transaction of business, except at a called meeting or meetings for the imposition of taxes, when three-fourths of the aldermen elected shall be required, unless herein otherwise specified. The officers of the corporation shall be a treasurer and assessor, a collector, a clerk, a chief of police, an engineer (who shall also be superintendent of streets), an attorney, an auditor, a health physician, a harbor master, and such other officers and agents as the council may direct; all of whom shall be appointed by the mayor on the second Monday after each biennial election, or as soon thereafter as possible, and each of whom shall be confirmed by a majority of the board of aldermen. All of said officers so appointed by the mayor shall hold their offices until the second Monday after the next succeeding biennial election, and until the appointment and qualification of their successors, unless removed by the mayor or by the city council under authority vested in it by this charter. The duties of the harbor master shall be such as have been or may be prescribed by the city council, and he shall receive for his services such compensation as the city council may determine, not to exceed eighteen hundred dollars per annum, and shall give bond for the faithful performance of his duties in the sum of ten thousand dollars.

Section 14. The mayor shall preside over the meetings of the city council, but shall have no vote unless there is a tie, in which case he shall give the casting vote. He shall also be recorder, and have like power with a justice of the peace to administer oaths of office and also all oaths and affirmations, and to give certificates thereof. He shall possess and execute in the city, in criminal cases, all the powers and duties of a justice of the peace. He shall be compensated for his services by a salary of three thousand dollars per annum, payable at stated periods, and shall receive such fees as may be allowed by law, which fees shall be paid into the city treasury. He shall, by and with the consent of the board of aldermen, have power to remove any officer holding office under the appointment of the mayor, and shall, by and with the consent of the board of aldermen, fill by appointment any vacancy occasioned by such removal. He shall have authority, in case of a riot or any unlawful assemblage, or with a view to preserve peace and good order in said city, to order and enforce the closing of any theater, ball room, grog shop, tippling house, bar room, or other place of resort, or public room or building, and may order the arrest of any person violating in his presence the laws of the State or any ordinances of the city: and he shall perform such other duties and possess and exercise such other power and authority as may be prescribed and conferred by the city council.

Section 19. It shall be the duty of the city attorney to represent the city



in all cases brought for or against it in the courts of the State or United States in the county of Galveston, and in the recorder's court when requested by the mayor in writing, or by order of the city council. He shall give legal advice to the mayor, any officer, or the city council, when applied for in writing or referred to him by the city council. He shall prepare all ordinances, and examine, supervise and prepare all contracts made by the city. He shall receive an annual salary of not to exceed twenty-five hundred dollars, and such fees and commissions as may be provided by the city council. He shall give bond for the faithful performance of his duties in the sum of five thousand dollars. The powers, duties, and qualifications of the city engineer, and the salary for his services, shall be prescribed by the city council, not to exceed two thousand dollars, and such fees as may be prescribed by ordinance. As to officers' fees, this section shall not be subject to the provisions of Section 171 of this charter.

Section 23. It shall be the duty of the auditor to examine in detail all bills, accounts, and claims against the city, and if found correct sign his name in approval, but if found incorrect he shall return them to the appropriate committee or the city council with his objections thereto. It shall also be his duty to examine the books of all officers of the city, and if they should be found incorrect to make a report of the same to the city council. It shall also be his duty to examine all warrants and countersign the same when an appropriation has been duly made to pay the same by the city council; and he shall render such other services from time to time as the city council may direct, and shall receive for his services such compensation as the city council may determine, not to exceed eighteen hundred dollars per annum, and shall give bond for the faithful performance of his duties in the sum of ten thousand dollars.

Section 54. To pass ordinances for the condemnation of property for the purposes of opening streets in the city, conforming the mode and manner of the same to the rules prescribed for cities and towns by the General Laws of the State; and to regulate, prohibit, or remove all buildings or structures on the shores or in the waters within the limits of the city where the same are not authorized by law.

Section 116. There shall be and is hereby created a board, called the commissioners of water works, to consist of five members, to be appointed by the mayor and confirmed by the city council, who shall hold their offices for the term of four years, and until their successors are duly elected and qualified, except as hereinafter prescribed. Said commissioners shall be entitled to receive such salary as the city council may determine, not to exceed three hundred dollars each per annum, payable quarterly. The mayor, with the approval of the city council, shall have the power to remove any commissioner for cause, and to fill any vacancy occurring in said office either from death, resignation, removal from office, removal from the city, or other cause. All appointments to fill vacancies shall be for the unexpired term. No person shall be eligible to the office of commissioner unless he is thirty years of age, a freeholder and qualified voter in said city. The mayor shall, on the first Monday in July, 1887, or as soon thereafter as practicable, appoint the five commissioners provided for in this act, and said commissioners shall hold their offices two of them for two years and three of them for four years from the date of appointment. The mayor shall issue commissions to the persons so appointed, designating the terms for which they are severally appointed, and whenever the term of office of any commissioner expires the appointment of his successor shall be for four years. Said commissioners shall take the oath of office required of other

officers of said city, and give bond for the faithful performance of their duties, payable to the city of Galveston, in the sum of ten thousand dollars, to be approved by the mayor of the city. Upon the appointment and qualification of the commissioners they shall organize by the election of a president from among their own number, and appoint a secretary, with such salary as they may prescribe, and a majority of the commissioners shall constitute a quorum for the transaction of business. They shall advertise and let contracts for the construction of a system of water works, according to plans and specifications to be adopted by them, but all contracts shall be subject to the approval of the city council, and shall be signed by the mayor and countersigned by the city clerk before the same shall take effect. Any contract made under the provisions of this section shall state the source of water supply, the location, capacity, and plan of the main reservoir; the location, capacity, and plan of all stand-pipes and reservoirs in the city, and the location, size, number, and material of all hydrants. Any contract made under this act for the construction of water works shall be paid for by the city, in five per cent forty-year bonds, issued for the purpose of constructing water works. For the purpose of obtaining information, and paying their necessary expenses and the expense of a competent engineer for consulting and advisory purposes, said board is hereby authorized to expend the sum of ten thousand dollars, or so much thereof as may be necessary, to be paid by the city council out of the proceeds of sales of bonds to be issued for the construction of water works. The water works, except the assessment of water rates and the collection of revenue therefrom after their construction, shall be under the control and management of the board of commissioners of water works, and the board shall appoint all officers, agents, and other subordinates and employes as may be necessary for the management and efficient operation of said water works, as may be provided by ordinance. The board shall have authority to remove or suspend any officer, agent, or employe of said department. The doing of all work and repairs, and the furnishing of all material and supplies, shall be let out by the board by contract, except in cases where it is not practical to do such work or furnish such material by contract, and all contracts involving the expenditure of over one thousand dollars shall be submitted to the city council for their approval. Whenever the city council shall by ordinance provide for the extension of the system of water works along streets and alleys not supplied in the original construction of the water works, the board shall contract for the construction of the same in the manner hereinbefore provided, subject to the approval of the city council. The city council shall fix, assess, and collect all water rates and tolls, and pass all ordinances necessary for the protection, preservation, and regulation of the water works, and enforce the same by suitable penalties. The board shall keep a record of their proceedings in a well bound book kept for that purpose; they shall keep an account of all contracts, purchases, and expenditures made by them, and shall report to the city council on the first day of every month a pay roll and list of expenditures made in their department during the preceding month.

Section 122. In order to effect the abatement of nuisances or removal of accumulated filth, the board of health shall have power, whenever in their opinion such nuisance or filth exist, and is, or is likely to become, detrimental to the public health, after officially so declared by them, to notify in writing, through its officers, the owner, agent, lessee, or tenant thereof, to abate or remove the same, either by filling up, draining, cleansing, purifying, or removing the same, as the case may be. If the owner who shall

have been served with such notice shall fail within the time indicated in the notice to comply with such order of the board, or fail to show good cause why he cannot or ought not to comply with such order, for which purpose he shall be entitled to be heard before said board if he so requests it, he shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than ten dollars, nor more than two hundred dollars, with an additional fine of not less than five nor more than fifty dollars imposed for each and every day that the person or persons thus convicted shall, after conviction and due notice thereof, fail or refuse to abate or use due diligence in the work of abating such nuisance; and if such service cannot be made, for the reason that the owner, agent, lessee, or tenant of the property upon which the nuisance may exist cannot be found in the city, of which fact the return upon such notice of the officer serving the same shall be conclusive evidence, then the board shall cause such notice to be published in the newspaper doing the city printing for five consecutive days (Sundays excepted), and if within five days after such service of notice, or after its publication as aforesaid, such nuisance shall not be abated or the order observed by the owner, then the board shall report the same with the proceedings had by them thereon to the city council, and thereupon the city council shall, if two-thirds of all the aldermen elect vote therefor, order said nuisance to be abated, either by filling up, draining, cleansing, purifying, or removing the same, as the case may be, under the supervision of the city engineer. The city council before ordering said nuisance to be abated shall, for the purpose of acquiring the most reliable information practicable of the probable cost of said work, cause an estimate to be made of said probable cost by the city engineer, and said engineer shall also report a full list of all lots or fraction of a lot with the number of blocks upon which such nuisance is situated, and the names of the owners thereof, and such other information as may be required by the city council, and if there be any lot or fractional lot the owner whereof is not known, the same shall be entered on said list as "unknown," and said engineer shall enter in said list opposite each lot or fractional lot the estimated cost of the work to be done on the same; and when said work is ordered by the city council, and shall have been completed, the council shall cause an accurate report of the cost thereof to be made by said engineer, stating the cost of the work done on each lot or fractional lot, and upon the acceptance and approval of said report and list by the council, said amounts shall be imposed, levied, and assessed by the city council on said lots or fractional lots respectively, and collected by the collector, and shall be a first privileged lien upon the property until paid. Said assessment shall bear interest at the rate of eight per cent per annum from the date of assessment until paid. The enforcement of the payment of said assessment shall be regulated, governed, and controlled in the mode and manner provided for the collection of assessments for street improvements contained in section one hundred and twenty-nine: Provided, That for any such assessment and interest as aforesaid, the city council may cause suit to be instituted and recovery had in the name of the city in any court having jurisdiction, and the report of the engineer of the cost of said work, together with the proceedings of the city council making said levy and assessment, or a copy thereof duly certified by the city clerk, shall be full proof and satisfactory evidence for the recovery of judgment for said assessment and interest.

Section 127. The city council shall be invested with full power and authority to grade, fill, raise, repair, pave, or otherwise improve any avenue, street, or alley, or any portion thereof, within the limits of said city, whenever by a vote of two-thirds of the aldermen elected they may deem such im-

provement for the public interest: Provided, The city pay one-third and the owners of the property two-thirds of the paving thereof, except the intersection of the streets from lot to lot across the streets either way shall be paid by the city alone. Said two-thirds of said costs of the paving to be paid by the owners of the property fronting on said thoroughfares shall be assessed on or against said property and collected by the city whenever such improvement is completed and accepted by the city council: Provided further, That not more than thirty thousand superficial yards of such thoroughfares shall be filled, graded, and paved in any one year: Provided further, That the filling, raising, and grading of streets or alleys upon which the limitation as to paving does not apply the city council shall fix the maximum grade on Broadway at not less than ten feet above mean low tides, so as to drain the city north and south from Broadway.

Sec. 2. That the charter of the city of Galveston be amended by adding thereto Sections 73a, 96a, 131a, and 132a, as follows, to-wit:

Section 73a. To regulate, control, and direct the mode and manner of the laying and construction of street railway tracks, switches, turnouts, turn-tables, and other necessary structures in the streets and alleys, and to compel railway companies to keep the streets between their rails ballasted and graded on a level with their rails; and to keep the space between their rails in all paved streets in perfect repair, or to pay actual cost of the same when done by the city; to compel the street railway companies to build all necessary culverts, and to make all necessary improvements, so as to insure a safe and easy passage for vehicles over said streets, or to pay the actual cost of the same when done by the city; to compel street railways to raise or lower their rails and the road-beds between the same to conform to the grades of the streets, or to pay the actual cost of the same if done by the city; to compel street railway companies to pay the actual cost of filling and grading, or filling, grading and paving the streets between their rails in all cases where the same may be filled and graded, or filled, graded, and paved by the city: Provided, That this section shall not alter or change the mode of improving streets and assessing the cost of the same, as prescribed in Sections 127, 128, 129, and 130 of the city charter. To regulate the speed of street cars; to forfeit rights of way and franchises heretofore or hereafter granted to street railway companies, for non-user or abandonment; and to enforce the provisions of this section by proper ordinances and penalties.

Section 96a. That in all cases where any dealer in merchandise, wares, or goods of any kind subject to ad valorem or occupation taxes, or both, under the provisions of this act, who shall, after the rendition of said goods, wares, or merchandise for taxation, or, after becoming liable for any occupation tax, become bankrupt, or make an assignment of said merchandise, wares, or goods, or sell out the same in bulk, then the collector of taxes shall at once present to the receiver, assignee, or vendee of said dealer, for payment, the amount due for said taxes by said dealer, and in case of failure of said receiver, assignee, or vendee to at once pay the amount of said taxes, the said collector shall levy upon, seize, and sell, from the said merchandise, wares, or goods, enough to satisfy the amount of said taxes; and said taxes until paid shall constitute a prior lien on said merchandise, goods, and wares in default of the payment of said taxes. And whenever any merchandise, wares, or goods shall be levied upon or seized under any writ of attachment or execution upon which the city has a claim for taxes unpaid, the collector shall present for payment, to the officer levying said writ of attachment or execution, the amount due for said taxes on said

merchandise, wares, or goods, and in case of failure of said officer or the plaintiff in said writ to at once pay the amount of said taxes, the collector shall proceed to levy upon, seize, and sell enough of said merchandise, wares, or goods to satisfy the amount of said taxes.

Section 131a. The said city shall have the power to appropriate the net proceeds of the bonds authorized under Section 131 of the city charter, for the purpose of paying and redeeming the legal and valid floating debts of the city existing on the first day of January, 1887, not to exceed in amount the sum of one hundred and fifty thousand dollars.

Section 132a. The said city shall have the power to issue bonds to the extent of seven hundred thousand dollars, of the denomination of one hundred dollars or any multiple thereof, payable at forty years after the date of their issue, bearing interest at a rate not to exceed five per cent per annum, payable semi-annually. The net proceeds of four hundred and fifty thousand dollars of said bonds shall be used exclusively for the establishment and construction of water works for the supply of fresh water for the city of Galveston and its citizens, and for the establishment of a system of sewerage for said city. The net proceeds of two hundred thousand dollars of said bonds shall be used exclusively for permanent street improvements, not more than forty thousand dollars of which shall be expended in any one year. And the net proceeds of fifty thousand dollars of said bonds shall be used for the construction of a city hall. The indebtedness provided for in this section shall not be governed and limited by the provisions and limitations contained in section one hundred and fifty-two of this charter: Provided, That said bonds shall not be sold for less than par: Provided, That no contract for water works or work done in the construction of water works shall be paid for with the bonds hereby authorized to be issued, but said work shall be paid for with cash arising from the proceeds of the sale of said bonds.

Sec. 3. That whereas the near approach of the end of the present session creates an imperative public necessity requiring the suspension of the rule requiring bills to be read on three several days; therefore said rule is hereby suspended; and it is further enacted that this bill take effect and be in force from and after the first day of July, A. D. 1887.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 78 yeas, 1 nay; and passed the Senate by a vote of 23 yeas, no nays.]

Approved, March 29, 1887.

#### GALVESTON CITY—AMENDMENTS OF CHARTER.

CHAP. 6.—[S. B. No. 290.] An Act amendatory of and supplementary to an act entitled An Act to incorporate the city of Galveston and to grant a new charter, approved August 2, 1876, and amended April 5, 1881, March 7, 1883, and February 26, 1885, by adding thereto Title No. 13, authorizing the construction of sea-walls and breakwaters, and for that purpose authorizing the exercise of the right of eminent domain, the issuance of bonds, and the levy of a tax, and granting in aid of said works certain rights and privileges in and to the land upon the gulf shore opposite said city from the southwest corner of the city league to the east end of Galveston Island.

Section 1. Be it enacted by the Legislature of the State of Texas: That said act be and the same is hereby amended by the addition of a title to be known as Title 13, to read as follows:

Title 13. Article I. Section 177. The city council shall have power to

establish, locate, erect, construct, and keep in repair, sea-walls, breakwaters, and other works which said council may deem necessary for the protection of the city from encroachment or overflow by the waters of the gulf or bay; and said council shall have full and continuing power over and about said works to renew, alter, remove, or relocate the same; to license and regulate such additional uses of said works as will not impair their efficiency, or to prohibit the said additional uses; to pass ordinances for protection and preservation of said works from obstructions or injuries of any description; and to impose fines and imprisonment, within the limits prescribed by this charter, for the violation of either or any of the provisions of said ordinances.

Section 178. The city council shall have power to impose additional uses and burdens upon the streets, avenues, alleys, and public grounds of said city for the location and maintenance of sea-walls and breakwaters; also power to take such lands as said council may deem necessary for the establishment, location, and construction and protection of sea-walls, breakwaters, and other like works for the protection of the city from encroachment or overflow by the waters of the gulf or bay, and for said purposes to define the area of land needed, and to take the use of and easement upon said lands, but in no case shall the fee to the land be taken except by consent of the owner or owners thereof.

Section 179. In exercising the right of eminent domain under the preceding section the city shall make a just compensation for the property taken, damaged, or destroyed; and whenever the city, its officers or agents, cannot agree with the owners of the property which is to be taken, damaged, or destroyed, as to the amount of compensation, or whenever the owners thereof are under any legal disability or unknown, the amount of compensation shall be ascertained and deposited with the city treasurer in trust for the owner thereof before said city shall have the right to enter upon said land for any purpose other than the making of preliminary surveys.

Section 180. If the parties cannot agree as to the amount of compensation provided for in the preceding section, or if the owners of the land required are under any legal disability or unknown, the city council shall by resolution define the land sought to be condemned for said uses, giving the names and residences of the owners thereof if known, and indicating who if any among said owners are minors or under other disability, and said council shall file a copy of said resolution with the county judge of Galveston County, who shall appoint commissioners as provided by Article 4183 of the Revised Statutes, and notice shall be given to the owners, the compensation shall be assessed, and the condemnation of the land or the use thereof as defined by the city council shall be enforced under and in compliance with the laws of this State regulating the appropriation of lands for railroad purposes in so far as the same are applicable, and the proceedings under said laws and the judgment of the county court thereunder shall vest in the city of Galveston the estate in fee simple or such less estate in the lands as may be taken hereunder.

Article II. Section 181. Before incurring any indebtedness, and before issuing the bonds of the city for the purpose of constructing sea-walls and breakwaters, and securing the right of way therefor, the city council shall by ordinance prescribe the amount of the bonds to be issued and the rate of interest thereon, and provide for an election at which all taxpayers who are qualified voters entitled to vote in said city shall be allowed to vote for or against the proposed taxation for the payment of said bonds and interest thereon.

Section 182. For the purpose of ascertaining whether two-thirds of the taxpayers of said city have voted in favor of the proposed taxation, the mayor, the city assessor, and the city collector are hereby constituted and appointed a board of inquiry. Whenever an election is ordered hereunder said board shall make out from the latest completed assessment roll of said city a list of all taxpayers of said city who are qualified voters therein, and from the date of the notice of said election until five days before the day thereof said board shall sit daily for the purpose of making additions to and corrections of said list, and all taxpayers shall, during said period, have the right to apply to said board and to have their names entered on said list. During the period of five days before said election said board shall make out under certificate and file with the city clerk a complete alphabetical list of all the taxpayers who are qualified voters at said election, and shall furnish printed copies of said list to the officers at each poll at said election: Provided, nevertheless, That the judges of said election shall have the right to examine any person offering to vote whose name is not on said list, and shall receive the vote of such person if satisfied that he is a taxpayer and qualified voter in said city, and a list of the names of all persons thus permitted to vote shall be kept by the officers of the election, and said lists, together with the printed lists furnished by said board, and the returns and poll lists of said election, shall be returned to the city clerk. The ballots at said election shall be printed or written on white paper, without any outward mark or device to distinguish the same, and shall contain the words, in substance, "in favor of the proposed tax," or "against the proposed tax." Said election shall be, except as herein otherwise provided, ordered and conducted in the same manner in all respects as elections for mayor and aldermen of said city, and the returns thereof shall be made in like manner: Provided, nevertheless, That said election may be held upon thirty days notice thereof at any time fixed by the city council: And provided further, That the council may renew the proposition to tax for sea-walls and breakwaters until the limit of the indebtedness herein authorized has been reached.

Section 183. The city council shall, as soon as practicable after said election, meet and canvass the returns thereof, and with the aid of the returns and lists herein provided for, together with such other evidence as may be required, ascertain and record in the minutes of said council the total number of taxpayers of said city who are qualified voters in said city on the day of said election, the number of said taxpayers voting in favor of the proposed taxation, and the number of said taxpayers voting against the same. In the event that two-thirds of the taxpayers of said city who are qualified voters therein shall have voted in favor of the proposed tax, the said city shall thereupon have power to issue its bonds for the construction and maintenance of sea-walls and breakwaters, and for securing the right of way for said works: Provided, however, That the total amount of the bonds issued hereunder shall not exceed eight hundred thousand dollars, and that the interest on said bonds, which shall be payable semi-annually, shall not exceed six per cent per annum. Said bonds shall be issued in denominations of one hundred dollars or multiples thereof, and made payable thirty years after the date of their issuance, and the city council shall by ordinance prescribe the style, form, and requisites of said bonds, the amount of bonds to be issued, the annual rate of interest, and the time and place or places of paying the same; and said council shall make all further provision required for the issuance and disposal of said bonds: Provided, however, That said bonds shall not be issued without the assent of the Galveston Sea-Wall Commission herein created, which assent shall be endorsed

on said bonds before issuance, together with the signatures of the president and secretary of said commission: And further provided, That said bonds shall not be sold below their par or face value.

Section 184. Whenever bonds are issued under the preceding section the city council shall, without regard to the general limitation of taxes prescribed by this charter, annually levy, assess, and collect, in the mode prescribed by law for other municipal taxes, a tax on all the real estate and personal property in the city not exempt from taxation by the Constitution, sufficient to pay the interest and provide a sinking fund of not less than two per cent of the principal of all of said bonds which are outstanding or which are to be issued during the year, and all taxes collected by virtue hereof shall be held in trust by the city as a special and inviolable fund for the payment of the interest and principal of said bonds: Provided, however, That with the advice and consent of the Galveston Sea Wall Commission herein created, any surplus over and above the amount required to meet the annual interest on said bonds may be invested for the benefit of the sinking fund; first, in the bonds issued hereunder, which may be offered for sale by a written proposal filed with the city clerk; secondly, if there be no unaccepted offer or offers to sell said bonds on file with said clerk, in approved securities of this State, or the counties thereof, or of the United States. But no bonds or securities shall ever be bought or paid for at a greater rate than their face or par value, with accrued interest.

Article III. Section 185. There shall be and is hereby created a commission composed of three members, to be styled the Galveston Sea-Wall Commission. If the votes of two-thirds of the taxpayers of said city shall be in favor of the levy of said tax, the Governor of the State shall thereupon appoint the members of said commission, one of whom shall be selected from the aldermen of the city, and all of the members shall be citizens of the city and taxpayers therein. The Governor shall also fill all vacancies in said commission, observing the requirements last above imposed as to original appointments, and he shall have full power to remove from office any of said commissioners. The members of said commission shall not directly or indirectly, as individuals or as members of any company or corporation, become interested in any contract growing out of the construction of the works, or the sale or the purchase of bonds herein authorized, and each member shall, before entering upon the duties of his office, make oath, in the presence of the city council, in form as follows: I, \_\_\_\_\_, to solemnly swear that I am not interested in any contract growing out of the construction of sea-walls, breakwaters, or other like works, or in the sale or purchase of bonds connected with said works, and that I will well and truly discharge my duty as a member of the Galveston Sea-Wall Commission. Said commissioners shall, unless sooner removed, hold their office for a term of two years, corresponding to the term of the mayor and aldermen, and until their successors are appointed and qualified, and shall each receive a salary of not less than one thousand dollars per annum. Said commission shall elect a presiding officer, and may employ a secretary and a consulting engineer, at salaries to be fixed by the city council. Said commission shall be and is hereby charged with the duty of ascertaining and adopting the plans and specifications for the works best adapted to secure the city from overflow, and with the awarding of contracts for the construction of the whole or any part of said works, and the inspection and acceptance and rejection of said works and the material therein if the same are constructed under contract, and with the purchase of material and employment of labor if said commission shall deem it expedient to



construct said works or any part thereof under its immediate supervision. It shall audit and approve all bills and claims of every description payable from the funds raised under this act, and payments out of said fund shall be made by the city treasurer on drafts by the president of said commission, countersigned by the secretary thereof, accompanying the bills and claims so approved. Said commission shall also be charged with the duty of negotiating the right of way for said works, if necessary, and making contracts therefor, and with the sale of the bonds issued hereunder, which shall be turned over to said commission for delivery, upon a requisition stating fully the proposed disposition of said bonds.

Article IV. Section 186. To better enable the city to secure the protection herein provided for, and to aid in the construction of said works, the right to the use and control of that certain strip or tract of land or sea bottom fifteen hundred yards in width lying along the gulf shore south of and contiguous to the line of mean low tide, and extending from the south jetty at the east end of Galveston Island to the prolongation of the western line of the Menard or city league, shall be and is hereby granted to said city, together with the right to reclaim land along the gulf shore within said limits: Provided, nevertheless, That the rights, uses, and powers herein granted shall be enjoyed, used, and exercised without interfering permanently with the rights of the public to the sea shore or with the maintenance of a beach from ordinary high tide to low water.

Section 187. All funds, revenues, and moneys derived from the sale of the bonds herein authorized, the sale or rent of reclaimed or other lands acquired under this act, and from the additional uses of said works as herein authorized, shall be deposited with the city treasurer, and said funds, revenues, and moneys, together with all lands acquired under this act, shall be held in trust by the city exclusively for the construction and maintenance of sea-walls and breakwaters and for the purchase of the right of way therefor: Provided however, That said funds, revenues, and moneys, or part thereof, may be applied if necessary to the payment of the interest or to the sinking fund of the bonds issued for constructing said works.

Sec. 2. Whereas the necessity for the speedy construction of the protection works herein authorized creates an emergency calling for the suspension of the constitutional rule requiring bills to be read on three several days, and for the immediate operation of this act, said rule shall be and is hereby suspended, and this act shall take effect and be in force from and after its passage.

[Note.—The foregoing act originated in the Senate, and passed the same by a vote of 23 yeas, no nays; and passed the House by a vote of 71 yeas.]

Approved, March 30, 1887.

#### AUTHORIZING WILLIAM M. WILSON TO SUE THE STATE.

CHAP. 7.—[S. S. B. No. 206.] An Act to authorize William M. Wilson to sue the State of Texas in the District Court of Travis County, Texas, to determine whether or not the State of Texas is indebted to him in any sum on account of the building and construction of the State Penitentiary at Ruak.

Section 1. Be it enacted by the Legislature of the State of Texas: That William M. Wilson be and is hereby authorized to sue the State of Texas in the District Court of Travis County, Texas, to determine whether or not the State of Texas is indebted to said Wilson on account of the building and

construction of the State penitentiary at Rusk, Texas, and to fix the amount of such indebtedness, if any.

Sec. 2. That the sum of nine thousand dollars, or so much thereof as is necessary be and the same is hereby appropriated to pay off and satisfy any judgment that may be rendered against the State by virtue of this suit: Provided, That the State shall in no event be required to pay any court cost or costs of said suit, but the same shall be paid by said Wilson; and he shall be required to give the necessary cost bond as is required in other civil actions: And provided further, Either party shall have the right of appeal to the Supreme Court of the State.

Sec. 3. Nothing herein shall be construed as an admission on the part of the State that said Wilson has any cause of action whatever against it, nor that the State is indebted to said Wilson in any sum whatsoever.

Approved, April 2, 1887.

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FOR RELIEF OF HEIRS OF ALEXANDER FARMER.

CHAP. 8.—[H. B. No. 463.] An Act for the relief of the heirs of Alexander Farmer, deceased.

Section 1. Be it enacted by the Legislature of the State of Texas: That the Commissioner of the General Land Office be and he is hereby authorized, empowered, and required to issue to the heirs of Alexander Farmer, deceased, the following certificates, to-wit: One special headright certificate for two-thirds of a league and a full labor of land; one donation certificate for six hundred and forty acres; one bounty certificate for six hundred and eighty acres.

Sec. 2. Said certificates may be located upon any of the vacant lands belonging to the State of Texas not heretofore appropriated or reserved from location: Provided, That if said certificates cannot be located on any public land, the owners thereof shall have no claim against the State.

Sec. 3. The near approach of the end of the present session of the Legislature rendering it improbable that this bill will pass in the regular course of legislation, creates an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and it is so enacted.

Approved, April 2, 1887.

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FOR RELIEF OF W. T. PEERY, ETC.

CHAP. 9.—[H. B. No. 607.] An Act for the relief of W. T. Peery, and to relinquish the title of the State of Texas to certain lands to the said Peery under a judgment obtained in the District Court of Cooke County on the 9th day of December, 1867, against J. M. and E. C. Peery.

Whereas certain lands of Wm. Peery, deceased, were supposed to be escheated to the State of Texas about the year 1861, in Cooke County, Texas; and whereas said lands were sold to J. M. and E. C. Peery and judgment obtained against said vendees, and an order enforcing the vendors lien of the State on said lands; and whereas the heir of the said Wm. Peery appeared and received the purchase money for said land, after proving up his heirship to the satisfaction of the county court, on the 27th day of April, 1869; and whereas the said judgment of foreclosure in favor of the State of Texas still remains unsatisfied and is a cloud upon the title to

said land, to-wit, the Wm. R. Middleton survey of three hundred and twenty acres, and the James Rutledge survey of three hundred and twenty acres, situated in Cooke County, Texas; and whereas the State of Texas has by reason of the premises aforesaid no right to or interest in said judgment or said land: Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas: That the State of Texas hereby relinquishes all claim to or interest in said judgment or the land aforesaid to the said W. T. Peery, his heirs and assigns.

Sec. 2. Whereas the near approach of the close of the session of the Legislature and the injury likely to result to the true owner of said land creates an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days in each house be suspended, and that the bill be passed, and it is so enacted.

Approved, April 4, 1887.

#### FOR RELIEF OF S. S. RANDALL, ET AL.

CHAP. 10.—[H. B. No. 608.] An Act for the relief of S. S. Randall, William Walker, J. W. Gaines, W. W. Parr, John W. Stevens, L. O. Starkie, S. W. Bettjohn, O. B. Robinson, E. J. Hughes, J. S. Storkig, and the relief of such parties by whom and through whom they hold.

Whereas the State of Texas has instituted [suit] to escheat a certain tract of land containing fourteen hundred and seventy-nine acres, situated on the Leon, in Comanche County, Texas, granted to Henry Hubble as assignee of E. H. Windfield; and whereas the said parties hold the said land by purchase, and have occupied the same for a great number of years, paying taxes thereon, and have given notice of intention to apply for legislative relief, as provided by Section 57, Article 3, of the Constitution of the State of Texas: Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas: That all rights of the State by reason of the escheat of said land, or proceedings to escheat, be and the same are hereby relinquished to the said parties and the parties under and from whom the said parties hold, and that the Attorney-General of the State be instructed to cause the district attorney to dismiss the suit by the State in the District Court of Comanche County brought to escheat said lands.

Sec. 2. Nothing herein contained shall be construed to prejudice the rights of Thomas Frazier, his heirs or assigns, or any other person from or under whom the said parties hold, and the said parties are hereby quieted in their title and possession in and to said lands, in so far as any adverse right, title, or claim of the State is concerned.

Sec. 3. Whereas the said District Court of Comanche County is soon to convene, therefore an imperative public necessity and emergency exist for the suspension of the constitutional rule requiring bills to be read on three several days, and the said rule is therefore suspended, and this act takes effect from and after its passage.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 68 yeas, 9 nays; and passed the Senate by a vote of 24 yeas.]

Approved, April 4, 1887.

## CHAP. 11.—[S. B. No. 329.] An Act for the relief of J. C. Patton.

Whereas J. C. Patton is the legal owner of nineteen alternate certificates for land, of three hundred and twenty acres each, viz., Certificates Nos. 25, 26, 27, 28, 29, 30, 49, 50, 52, 53, 54, 55, 56, 59, 61, 83, 85, 87, and 88, issued March 20, A. D. 1873, by the Commissioner of the General Land Office of the State of Texas to the Sulphur Fork Iron Works Company a company duly chartered by the laws of Texas;

And whereas said nineteen certificates became in due course of trade, and for a valuable consideration, the lawful property of the said J. C. Patton, and were by him placed in the hands of the surveyor of Jack Land District for location upon the unappropriated public domain of Texas;

And whereas by and through the carelessness and neglect of said district surveyor, the said certificates were, without the knowledge and consent of said Patton, located, or attempted to be located, and surveyed upon lands already appropriated, and which locations and surveys were not ratified and confirmed by patents;

And whereas information of the failure of said surveyor to properly locate said certificates, and of the loss consequent thereon, was not brought to the knowledge of said Patton until application was made to the Commissioner of the General Land Office for patents on said locations and surveys, and which knowledge was obtained after said certificates had become invalid by operation of law;

And whereas by reason of the acts and facts above recited and without any fault of his own, the said J. C. Patton has suffered the loss of the entire value of the said nineteen certificates for land, of three hundred and twenty acres each: Now, therefore,

Section 1. Be it enacted by the Legislature of the State of Texas: That the Commissioner of the General Land Office be authorized and required to issue to the said J. C. Patton, or his legal heirs and representatives, nineteen alternate certificates for land, of three hundred and twenty acres each, to be located and surveyed upon any of the public domain of Texas not otherwise appropriated or reserved from location. Said location to be made in accordance with the laws now in force regulating the location of alternate certificates: Provided That if no unappropriated public domain is found upon which to locate said certificates, then and in that event the State is released from any further liability or obligation by reason of the issuance of the same, and this proviso shall be embodied in the face of each certificate issued hereunder: Provided further, No certificate shall be issued under the provisions of this act until all of the old certificates mentioned in the preamble of this act are returned to the General Land Office and have been marked across their face, "Cancelled," by the Commissioner.

Section 2. This law shall be in force and take effect from and after its passage.

[Note.—The foregoing act was presented to the Governor for his approval on the second day of April, A. D. 1887, but was not signed by him or returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. M. Moore, Secretary of State.]

## FOR RELIEF OF HEIRS OF JAMES L. HOLMES.

CHAP. 12.—[H. B. No. 283.] An Act to require the Commissioner of the General Land Office to issue to the heirs of James L. Holmes duplicate bounty warrant for 1920 acres of land.

Section 1. Be it enacted by the Legislature of the State of Texas: That the Commissioner of the General Land Office be and he is hereby required to issue to the heirs of James L. Holmes a duplicate bounty warrant for 1920 acres of land, in lieu of one issued to said Holmes in accordance with law, and which warrant was lost: Provided, The State shall not be any further responsible either in land or money on said claims.

Sec. 2. Whereas the near approach of the close of the present session renders it improbable that this bill will pass in the regular order of business, therefore an imperative public necessity and emergency exists requiring the suspension of the constitutional rule requiring bills to be read on three several days, and that this act be in force from and after its passage and it is so enacted.

[Note.—the foregoing act was presented to the Governor for his approval on the first day of April, A. D. 1887, but was not signed by him or returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. M. Moore, Secretary of State.]

THE STATE OF TEXAS,  
Department of State.

I, J. M. Moore, Secretary of State of the State of Texas, certify that the foregoing special laws, passed at the regular session of the Twentieth Legislature, have been carefully examined and compared with the original enrolled bills now on file in this department, and are true copies of said originals.

I further certify that the Twentieth Legislature convened in the City of Austin January 11, A. D. 1887, and adjourned April 4, A. D. 1887.

In testimony whereof I have subscribed my name, and hereto affixed  
[Seal.] the seal of the State of Texas, in the City of Austin, April 14, 1887.

J. M. MOORE,  
Secretary of State.

**GENERAL LAWS**  
**OF**  
**THE STATE OF TEXAS**

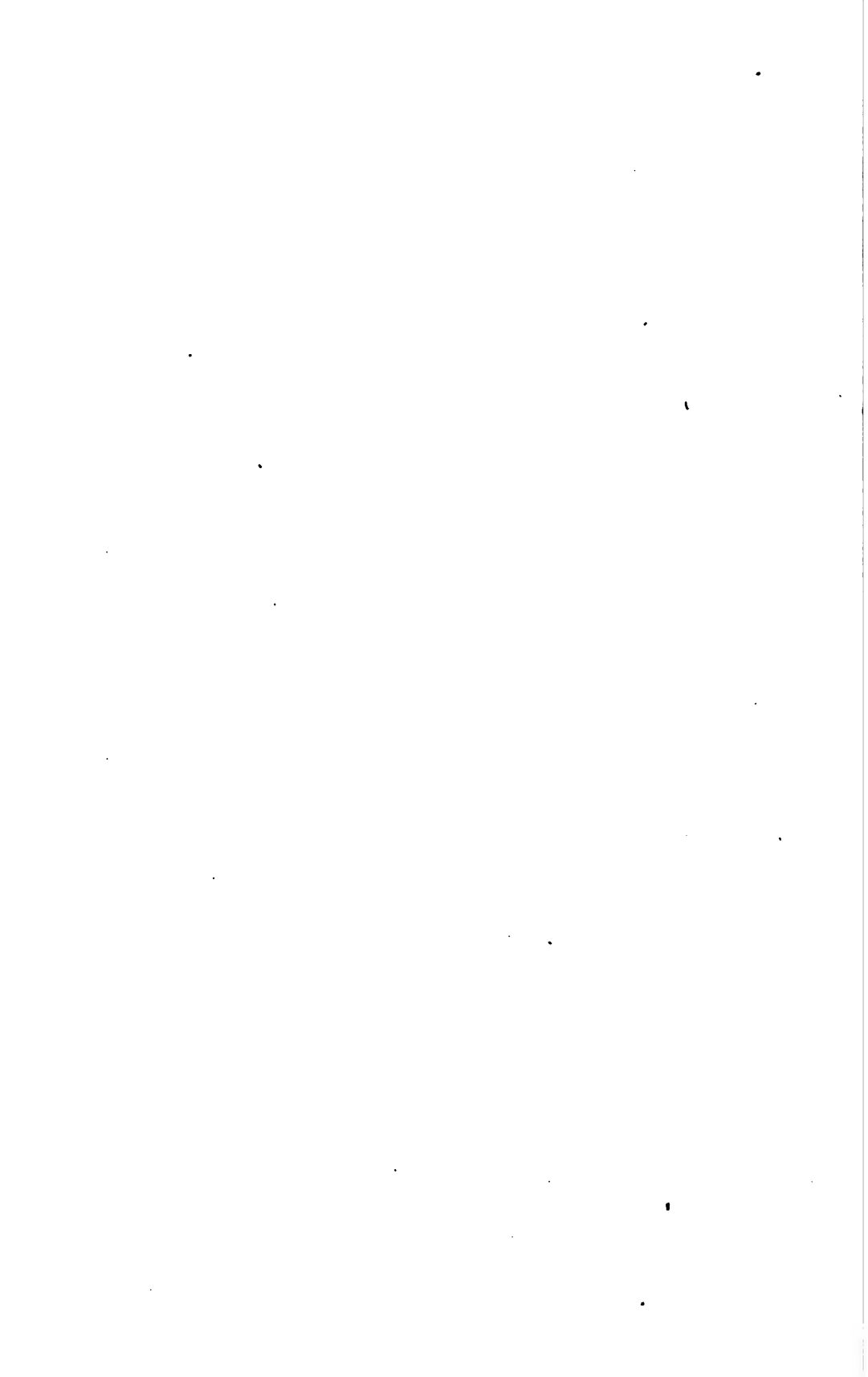
**PASSED AT THE**  
**SPECIAL SESSION OF THE TWENTIETH LEGISLATURE**

**CONVENED**  
**AT THE CITY OF AUSTIN**

**APRIL 16, 1888, AND ADJOURNED MAY 15, 1888.**



**AUSTIN**  
**1888**



# GENERAL LAWS OF TEXAS.

## TWENTIETH LEGISLATURE, 1888.

### PRIVATE CORPORATIONS.

Sec.

1. Amends Art. 566, Chap. 2, Title XX, Revised Statutes, as amended by the act of March 23, 1887, declaring for what purposes charters may be granted.

Sec.

2. Emergency Clause.

CHAP. 1.—[H. B. No. 16.] An Act to amend Article 566, Chapter 2, Title XX, of the Revised Civil Statutes of the State of Texas, as amended by the Twentieth Legislature, approved March 23, 1887.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 566, of Chapter 2, Title XX, of the Revised Civil Statutes of Texas, as amended by the Twentieth Legislature, approved March 23, 1887, be so amended as to hereafter read as follows:

Article 566. The purposes for which private corporations may be formed are—

1. The support of public worship.
2. The support of any benevolent, charitable, educational, or missionary undertaking.
3. The support of any literary undertaking, the maintenance of a library, or the promotion of painting, music, or other fine arts.
4. The encouragement of agriculture and horticulture by associations for the maintenance of public fairs and exhibitions of stock and farm products.
5. The maintenance of a public or private cemetery.
6. The construction and maintenance of any species of road except a railroad and a bridge in connection therewith.
7. The construction and maintenance of a bridge.
8. The construction and maintenance of a telegraph or telephone line.
9. The establishment and maintenance of a ferry.
10. The establishment and maintenance of a line of stages.
11. The building and navigation of steamboats, and the carriage of persons and property thereon.
12. The supply of water to the public.
13. The manufacture and supply of gas, or of the supply of light or heat to the public by any means.
14. The transaction of any manufacturing or mining business.
15. The transaction of a printing or publishing business, and in connection therewith the sale of goods, wares, and merchandise of a stationery and blank book manufacturing business.
16. The establishment and maintenance of a hotel.
17. The erection of buildings and the accumulation and loan of funds for the purchase of real property in cities, towns, and villages.
18. The transportation of goods, wares, and merchandise, or any valuable thing.
19. The promotion of immigration.



20. The construction and maintenance of sewers.
21. The construction and maintenance of a street railway.
22. The erection and maintenance of market houses and market places.
23. The construction and maintenance of canals for the purposes of irrigation, navigation, or manufacture.
24. The purchase and sale of goods, wares, and merchandise, and agricultural and farm products. The number of persons incorporating for such purposes shall in no instance be less than ten, nor shall any person hold or own more than five hundred dollars of such stock; and any person owning or holding more than five hundred dollars of such stock shall be liable for all the debts of such corporation.
25. The construction of harbors and canals on the coast of the Gulf of Mexico.
26. The growing, purchasing, and selling seeds, plants, trees, etc., for agricultural, horticultural, and ornamental purposes.
27. The construction and maintenance of mills and gins.
28. The accumulation and loan of money; but this subdivision shall not permit incorporations with banking or discounting privileges.
29. The construction and maintenance of stock yards and pens.
30. The construction and maintenance of establishments for slaughtering, refrigerating, canning, curing, and packing meat.
31. The construction and maintenance of establishments for the preserving and canning of fruits, vegetables, and fish.

Sec. 2. Whereas the present incorporation act restricts the amount of capital stock in the formation of corporation and co-operative associations to be organized under clause 24 of the first section of the act hereby amended to an extent injurious to public interest; and whereas it is of great public importance and necessity that corporations and co-operative associations, which tend to the rapid development of the State with greater capital stock than is now permitted by law, may be immediately organized; wherefore an emergency and an imperative public necessity exist, demanding that the constitutional rule requiring bills to be read on three separate days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 81 yeas, no nays; and passed the Senate by a vote of 23 yeas, 5 nays.]

Approved, April 30, 1888.

## APPEALS AND WRITS OF ERROR.

Sec.

1. Amends Article 1034, Revised Statutes, prescribing when transcript must be filed, etc.

Sec.

2. Emergency clause.

CHAP. 2.—[S. B. No. 50.] An Act to amend Article 1034 of the Revised Civil Statutes of the State of Texas, relating to appeals and writs of error from the District and County Courts to the Supreme Court and Court of Appeals of the State.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 1034 of the Revised Civil Statutes of the State of Texas, relating to appeals and writs of error from the District and County Court to the Supreme Court and Court of Appeals of the State, be amended so as to hereafter read as follows:

Article 1034. When an appeal from any final judgment of a district or county court has been taken and an appeal bond has been filed, or when an appeal has been taken in cases where no appeal bond is required, or when a citation has been served on a petition for a writ of error, it shall be the duty of the appellant or plaintiff in error to file a transcript of record with the clerk of the Supreme Court or Court of Appeals, at the place where such appeal or writ of error is returnable, on or before the first day of the term to which the same is so returnable that is held next succeeding the term when the appeal was perfected or the citation for writ of error was served, or on or before the first day in such term designated for the trial of causes from the county in which such appeal or writ of error was taken: Provided, however, That if such appeal was perfected or such citation in error was served less than twenty days before the said first day of the term next succeeding the taking thereof, or less than twenty days before the first day of the term in said term designated for the trial of causes brought from the county in which such appeal or writ of error was taken, then such transcript shall be filed at the next succeeding term thereafter in the same manner: And provided also, That where a party is unable to file such transcript in the time limited by this article, from any unavoidable cause, the court shall, upon satisfactory proof thereof, permit such transcript to be filed at a later period: And provided further, That whenever any civil cause in which the State of Texas is a party has been or may be tried during a term of the District Court while the Supreme Court is in session, the power of the District Court to revise or set aside its judgment shall terminate within ten days after the rendition of any judgment therein which assumes to finally dispose of said cause, unless there has been or shall be a new trial awarded within that period, and the jurisdiction of the Supreme Court then sitting shall immediately attach, to affirm, or reverse, or reverse and render said judgment, on the filing by either party of the transcript of the proceedings in said cause in the Supreme Court, five days' notice of the intention to file such transcript being first given to the adverse party or to his counsel, and bond being given when the same is required.

Sec. 2. The near approach of the close of the session, and the fact that there are certain suits of great interest to the people of Texas which ought to be at once determined by the Supreme Court of the State and which can not now be heard by the said court, creates an emergency and a public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect on and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the Senate, and passed the same by a vote of 26 yeas, no nays; and passed the House by a vote of 80 yeas.]

Approved, May 12, 1888.

## TAXATION.

Sec.

1. Amends Chapter 2, Title 95, Revised Statutes, adding Article 4674a, concerning taxation of property removed from State.

Sec.

2. Emergency clause.

(On this subject also Chaps. 4, 10, 11, and 12.)

CHAP. 3.—[H. B. No. 37.] An Act to amend Title 95, Chapter 2, of the Revised Civil Statutes, by adding thereto Article 4674a.

Section 1. Be it enacted by the Legislature of the State of Texas: That Title 95, Chapter 2, of the Revised Civil Statutes, be amended by adding thereto Article 4674a, as follows:

Article 4674a. It shall be the duty of the assessor of taxes to list on his rolls for taxation all property temporarily removed from the State on or before the first day of January of each year, and all property removed from the State for the purpose of evading taxation prior to January first of each year shall be liable to taxation at any time after the same shall have been returned to the State before the assessor has completed his rolls, and all notes or bonds executed for money loaned in the State and sent out of the State before the first of January shall be subject to assessment for each of the years during which the notes and bonds remain unpaid: Provided, That said property so returned and brought into the State after the first day of January shall not be the proceeds of any moneys or property already assessed for said year.

Sec. 2. Whereas the early adjournment of this session renders it impossible to read this bill on three several days, therefore an emergency exists and an imperative public necessity requires that the rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

[Nota.—The foregoing act originated in the House, and passed the same by a vote of 77 yeas, 8 nays; and passed the Senate by a vote of 25 yeas, no nays.]

Approved, May 15, 1888.

#### TAXATION.

Sec.

1. Adds Article 4748a to Chapter 4, Title 95, of Revised Statutes, providing for collection of taxes on certain trust estates.

Sec.

2. Emergency clause.

(On this subject also Chaps. 3, 10, 11, and 12.)

CHAP. 4.—[S. B No. 36.] An Act to amend Title 95, Chapter 4, of the Revised Civil Statutes of the State of Texas, by adding thereto Article 4748a.

Section 1. Be it enacted by the Legislature of the State of Texas: That Title 95, Chapter 4, of the Revised Civil Statutes of the State of Texas, be amended by adding thereto Article 4748a, as follows:

Article 4748a. In all cases where a tax payer makes an assignment of his property for the payment of his debts, or where his property is levied upon by creditors, by writs of attachment or otherwise, or where the estate of a decedent is or becomes insolvent and the taxes assessed against such person or party or against any of his estate remain unpaid in part or in whole, the amount of such unpaid taxes shall be a first lien upon all such property; Provided, That when taxes are due by an estate of a deceased person the lien herein provided for shall be subject to the allowances to widows and minors, funeral expenses, and expenses of last sickness; and such unpaid taxes shall be paid by the assignee, when said property has been assigned, by the sheriff out of the proceeds of sales, in case such property has been seized under attachment, or other writ, and by the administrator or other legal representative of decedents, and if said taxes shall not be paid all said property may be levied on by the tax collector and sold for such taxes, in whomsoever's hands it may be found.

Sec. 2. The near approach of the close of this session rendering it improbable that this bill can be considered on three several days creates an imperative public necessity that the rule requiring bills to be read on three several days be suspended, and it is so enacted.

Approved, May 14, 1888.

OFFENSES RELATING TO PUBLIC BUILDINGS.

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| Sec.   | Sec.                 |
| 1. Amends Chapter 4, Article 417, of the Penal Code.         | 3. Emergency clause. |
| 2. More fully defines the offenses embraced in said article. |                      |

CHAP. 5.—[S. B. No. 41.] An Act to amend Article 417, Chapter 4, Title 13, of the Penal Code of the State of Texas.

Whereas, for purposes of preserving the new State Capitol, it becomes necessary to better define the offenses set out in the aforesaid act: Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 417, Chapter 4, Title 13, of the Penal Code of the State of Texas, which took effect July 24, A. D. 1879, be amended so as to read as follows:

Sec. 2. Article 417. If any person shall willfully injure or deface any public building or the furniture therein in this State, he shall be fined not less than five nor more than five hundred dollars. The word deface in this act shall be held to apply to writing, carving, or scratching on the walls or plastering or furniture of said building, or staining the same with paint or any other article which will produce a discoloration of the same.

Sec. 3. Whereas, the preservation of the State Capitol Building, together with other public buildings, creates an imperative public necessity, and an emergency exists requiring the constitutional rule requiring bills to be read on three several days in each house be suspended, and it is so suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the Senate, and passed the same by a vote of 27 yeas, no nays; and passed the House by a vote of 76 yeas, 5 nays.]

Approved, May 14, 1888.

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PUBLIC FREE SCHOOLS.

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| Sec.   | Sec.                 |
| 1. Amends Sec. 71 act of April 2, 1887, defining what counties shall be exempt from district system. | 2. Emergency clause. |

CHAP. 6.—[S. B. No. 27.] An Act to amend Section 71, of Chapter 132, of an act passed at the regular session of the Twentieth Legislature, approved April 2, A. D. 1887.

Section 1. Be it enacted by the Legislature of the State of Texas: That Section 71, Chapter 132, [of] the laws passed at Regular Session of the Twentieth Legislature, be so amended as to hereafter read as follows:

Section 71. The following counties shall be and the same are exempted from the district system provided for in this act, to wit: Anderson, Angelina, Aransas, Bastrop, Bosque, Bowie, Brazoria, Burleson, Calhoun, Callahan, Cameron, Camp, Cass, Chambers, Concho, Delta, De Witt, Duval, El Paso, Erath, Falls, Fannin, Fayette, Fort Bend, Franklin, Freestone, Gillespie, Goliad, Gonzales, Gregg, Grimes, Guadalupe, Hardin, Hays, Henderson, Hidalgo, Hopkins, Jackson, Jasper, Jefferson, Karnes, La Salle, Lee, Lampasas, Liberty, Limestone, Medina, Marion, Mason, Matagorda, McMullen, Milam, Montgomery, Morris, Nacogdoches, Newton, Orange, Panola, Pecos, Polk, Presidio, Rains, Reeves, Red River, Refugio, Robertson, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Somervell, Starr, Titus, Tom Green, Trinity, Tyler, Upshur, Van Zandt, Victoria, Waller, Washington, Webb, Wheeler, Wharton, and Zapata.

Sec. 2. The fact that it is necessary that this act should go into effect within less than ninety days after the adjournment of this session of the Legislature, in order that the benefits hereof may be immediately enjoyed by the counties affected thereby, and the fact that the near approach of the close of this session of the Legislature renders it improbable that this bill could be read and considered on three several days, create an emergency, and imperative public necessity exists demanding the suspension of the constitutional rule requiring bills to be read on three several days in each house, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the Senate, and passed the same by a vote of 27 yeas, no nays; and passed the House by a vote of 90 yeas.]

Approved, May 14, 1888.

#### PUBLIC FREE SCHOOLS.

##### Sec.

1. Requires treasurers of counties and cities to report disbursements, etc., to county commissioners.
2. County treasurer to transmit certified copy of report to Superintendent of Public Instruction.

##### Sec.

3. Prescribes penalty for failing to transmit report.
4. Emergency clause.

CHAP. 7.—[H. B. No. 51.] An Act to require county treasurers and treasurers of the school board of each city or town having exclusive control of its schools to make reports of the disbursements of the State and county school fund and to prescribe a penalty for failure to do so.

Section 1. Be it enacted by the Legislature of the State of Texas: That it shall be the duty of the county treasurer of each county and the city treasurer or treasurer of the school board of each city or town having exclusive control of its schools to report the disbursement of the school fund, State and county, to the commissioners court of his county. Said report shall be made at the first regular term of the commissioners court after the thirty-first of August of each year or the end of the school year, and shall consist of a complete exhibit of all moneys received and paid out by him, to whom paid, upon what voucher, and what moneys if any remain in his hands.

Sec. 2. When such report shall have been examined and approved by the commissioners court it shall be the duty of the county treasurer to immediately transmit a copy of such report, including a statement of the status of the permanent county school fund, certified to by the county clerk, to the Superintendent of Public Instruction at Austin.

Sec. 3. Any county or city treasurer failing to make and transmit said report and certified copy or either shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty dollars nor more than five hundred dollars.

Sec. 4. The near approach of the close of this session of the Legislature and the importance of passing some law requiring treasurers of the school fund to make an exhibit of its proper disbursements creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended.

[Note.—The foregoing act originated in the House, and passed the same by a four-fifths vote; and passed the Senate by a vote of 26 yeas, no nays.]

Approved, May 15, 1888.

**PUBLIC FREE SCHOOLS.**

**Sec.**

1. Appropriates \$254,000 for payment of outstanding school warrants.

**Sec.**

2. Said appropriation declared to be a loan. Comptroller's duties in reference thereto.

3. Emergency clause.

**CHAP. 8.**—[H. B. No. 48.] An Act to provide for the speedy payment of the outstanding warrants held by the several counties against the available public free school fund.

Section 1. Be it enacted by the Legislature of the State of Texas: That the Comptroller is hereby authorized to transfer the sum of two hundred and fifty-four thousand dollars from the general revenue fund to the available public free school fund, to be used in liquidation of the outstanding warrants held by the several counties against said available public free school fund for the scholastic year ending August 31, 1888.

Sec. 2. Should the amount herein set apart exceed the sum necessary to liquidate the said outstanding warrants, the Comptroller shall, after paying such warrants, transfer such excess back to the general revenue fund. The sum used by the Comptroller in paying said warrants shall be considered a loan to the available public free school fund, and shall be returned to the general revenue fund without interest when the available free school fund shall justify it, not later than January 1, 1895.

Sec. 3. Whereas there is a large deficiency in the available public school fund, which creates an emergency and imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days be suspended, and said rule is therefore suspended, and this act shall be in force and effect from and after its passage.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 88 yeas, no nays; and passed the Senate by a vote of 25 yeas, no nays.]

Approved, May 11, 1888.

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**SINKING FUND.**

**Sec.**

1. \$250,000 appropriated for payment of debts maturing in 1890 and 1891 and loaned to the school fund.

**Sec.**

2. Comptroller's duties, etc., in reference thereto.

3. Emergency clause.

**CHAP. 9.**—[H. B. No. 61.] An Act to create a sinking fund for the payment of bonds of the State of Texas held by individuals maturing in 1890 and 1891, and to provide for its use as a loan to the available school fund until said bonds mature.

Section 1. Be it enacted by the Legislature of the State of Texas: That the sum of two hundred and fifty thousand dollars, or so much thereof as may be necessary, be and the same is hereby set aside, out of the surplus revenue now in the State treasury, as a sinking fund for the purpose of paying off such portion of the bonded indebtedness of the State of Texas maturing in 1890 and 1891 as is held by individuals, and that said sinking fund so created be loaned to the available school fund for the purpose of supplying any deficiency that may exist in said fund without interest until the maturity of said bonds in 1890 and 1891.

Sec. 2. The Comptroller of Public Accounts is hereby authorized to place to the credit of the available school fund the amount hereby set aside as a sinking fund, and it shall be his duty to see that provision is made for its return through the proper channels prior to the maturity of the State bonds for the payment of which said sinking fund is created. It shall be the duty of the Board of Education to set apart, out of the available school fund for the years 1890 and 1891, before the apportionment for said years

shall be made, an amount sufficient to pay off said bonds as they fall due. And the Comptroller is directed to use said money in payment of said bonds as herein provided.

Sec. 3. The fact that a deficiency now exists in the available school fund, causing serious embarrassment to school teachers throughout the State, creates an emergency and imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, therefore said rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 92 yeas, no nays; and passed the Senate by a vote of 24 yeas, 1 nay.]

Approved, May 9, 1888.

### INJUNCTIONS.

Sec.

1. Providing for remedy by injunction for violation of penal and revenue laws.

Sec.

2. This remedy shall be cumulative.

(On this subject also Chaps. 3, 4, 11, and 12.)

CHAP. 10.—[S. B. No. 29.] An Act to confer the right of injunction upon the State to prevent breach of the revenue and penal laws.

Section 1. Be it enacted by the Legislature of the State of Texas: That the full right, power, and remedy of injunction may be resorted to and invoked by the State at the instance of the county or district attorney or Attorney-General, to prevent, prohibit, or restrain the violation of any revenue or penal law of this State.

Sec. 2. That the right and remedy hereby provided shall be cumulative of other laws now in force in the State.

Approved, May 12, 1888.

### TAXATION.

Sec.

1. Authorizes suit against delinquent tax payers.

Sec.

2. Emergency clause.

(On this subject also Chaps. 3, 4, 10, and 12.)

CHAP. 11.—[H. B. No. 17.] An Act to authorize district and county attorneys to bring suit for the collection of taxes on unrendered personal property.

Section 1. Be it enacted by the Legislature of the State of Texas: That hereafter it shall be the duty of the district or county attorney of the respective counties of this State, by order of the commissioners court, to institute suit in the name of the State for the recovery of all money due the State and county as taxes due and unpaid on unrendered personal property; and in all suits where judgments are obtained under this act the person owning the property on which there are taxes due the State and county shall be liable for all costs: Provided, Such suits may be brought for all taxes so due and unpaid for which such delinquent tax payer may be in arrears for and since the year 1886: And provided further. The State and county shall be exempt from liability for any costs growing out of such action: Provided, All suits brought under this act for the recovery of taxes due on

personal property shall be brought against the person or persons who owned the property at the time such property should have been listed or assessed for taxation: Provided, That no suit shall be brought until after demand is made by the collector in person for taxes due: And provided further, That no suit shall be brought for an amount less than twenty-five dollars.

Sec. 2. Whereas the early adjournment of this session renders it impossible that this bill can be read on three several days, therefore an emergency exists and an imperative public necessity demands that the rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 71 yeas, 17 nays; and passed the Senate by a vote of 12 yeas, 11 nays.]

Approved, May 17, 1888.

## TAXATION.

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| <p>Sec.<br/>1. Reduces rate of ad valorem tax for 1888 to ten cents and thereafter at twenty cents on the hundred dollars.</p> | <p>Sec.<br/>2. Saving clause.<br/>3. Emergency clause.</p> |
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(On this subject also Chaps. 3, 4, 10, and 11.)

CHAP. 12.—[H. B. No. 1.] An Act to provide for the levy and collection of an ad valorem State tax for general revenue purposes for the year 1888 of ten cents on the hundred dollars, and of an annual ad valorem State tax for general revenue purposes for every year thereafter of twenty cents on the hundred dollars.

Section 1. Be it enacted by the Legislature of the State of Texas: That there shall be levied and collected for the year 1888 an ad valorem tax of ten cents on the hundred dollars for general revenue purposes, and for every year thereafter an annual ad valorem tax of twenty cents on the hundred dollars, of the cash value thereof estimated in lawful currency of the United States, on all real property situated and on all movable property owned in the State on the first day of January in each and every year, and on all property sent out of the State prior to the first day of January for the purpose of avoiding the payment of taxes thereon and afterwards returned to the State, except so much thereof as may be exempted by the Constitution and laws of the State or of the United States, which cash value shall be estimated in the manner prescribed by law.

Sec. 2. Nothing in this act shall be construed as in any manner repealing or affecting the provisions of an act known as Chapter 111 of the Acts passed at the regular session of the Nineteenth Legislature of the State of Texas, approved March 31, 1885, except so much of section one thereof as relates to the levy and collection of an annual State ad valorem tax for general revenue purposes.

Sec. 3. Whereas there is now a large surplus in the State treasury to the credit of the general revenue account, which will authorize a reduction of the State general revenue tax for the year 1888 and subsequent years, and thereby relieve the tax payers from the payment of an unnecessary tax to support the State government for the year 1888; and whereas the early adjournment of the session of the Legislature renders it impossible that this bill can be read on three several days; therefore, for the reasons and purposes aforesaid, an emergency and an imperative public necessity exists requiring that the rule requiring bills to be read on three several days be



suspended, and such rule is suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 85 yeas, 6 nays; and passed the Senate by a vote of 22 yeas, 4 nays.]

Approved, May 21, 1888.

#### GEOLOGICAL AND MINERALOGICAL SURVEY.

##### Sec.

1. Provides that the Commissioner of Agriculture, etc., shall cause geological and mineralogical survey to be made of State.
2. Defines conditions upon which assays and analyses are to be made, etc.
3. Provides for preservation of records, etc., by the Commissioner, and reports to the Governor.

##### Sec.

4. The Commissioner to prescribe reasonable fees for assays, etc.
5. Prohibits under penalty the Commissioner or his employees from becoming interested in mines.
6. \$15,000 appropriated for the purposes of this act.
7. Emergency clause.

CHAP. 13.—[S. H. Bs. Nos. 5, 6, and 11.] An Act to authorize the Commissioner of Agriculture, Insurance, Statistics, and History to have a geological and mineralogical survey made of the State of Texas, and to make an appropriation therefor.

Section 1. Be it enacted by the Legislature of the State of Texas: That it shall be the duty of the Commissioner of Agriculture, Insurance, Statistics, and History to have a geological and mineralogical survey made of the State of Texas, and for that purpose he shall employ such a number of competent persons skilled in the science of geology and mineralogy as shall be necessary to properly and expeditiously execute said work. The persons so employed shall be under the supervision and control of the said Commissioner, and shall receive such compensation as the Commissioner may direct, not to exceed two thousand dollars per year. The Commissioner shall provide all necessary chemical apparatus, books, maps, and stationery to carry out the provisions of this act, and may employ such additional clerks as shall be requisite to a proper execution of this act, which clerks shall receive such compensation as he may deem proper, not to exceed nine hundred dollars each per year.

Sec. 2. The Commissioner shall cause to be made assays, analyses, or other scientific examination of all beds or deposits of ores, coals, clays, marls, and other mineral substances situated in this State as shall be requisite to a correct knowledge of the extent and value thereof. He shall also in all proper cases upon application require like examinations, assays, or analyses to be made of deposits, mines, and lands situated in this State, and shall furnish proper certificates of the result of such examination, assay, or analysis. He shall also upon request of any person require assays or analyses to be made of any specimen of soil or mineral deposit in this State, and shall also furnish to the party requesting it a certificate thereof: Provided, That in all cases when assays or analyses are made upon request of any person the party making the request shall be required by the Commissioner to make affidavit that the specimen offered was found upon the land of the party making the request, or that said request is made at the instance or with the full knowledge and consent of the owner of the land upon which said specimen was found.

Sec. 3. The Commissioner shall preserve a record of this department of his office, and the information therein collected and preserved shall be reported to the Governor as in case of other matters relating to his office. He shall also report to the Governor before each session of succeeding Legislatures, for information of the Governor and such Legislatures, all

money expended under this act, and how and for what purpose such money was expended. He shall also report the amounts of money received from persons, corporations, syndicates for services rendered specifying the amount so received. He shall also preserve specimens of minerals, coals, stones, and other natural substances useful in agricultural, manufacturing, or the mechanical arts, and shall from time to time as far as practicable add specimens of organic remains and other objects of natural history peculiar to this State.

Sec. 4. The Commissioner shall prescribe a schedule of reasonable fees to be charged and collected from all persons having scientific examinations, assays, or chemical analyses made, and for certificates furnished under this act, which fees shall when collected be paid into the State treasury to the credit of the general revenue fund.

Sec. 5. It shall be unlawful for the Commissioner of Agriculture, Insurance, Statistics, and History, or any person employed by him or connected with his office, to purchase all or any part of any mine or mineral lands, or be in any manner interested in such purchase, during the term of his office or employment. Any person violating the provisions of this section shall be punished by fine not less than one thousand dollars, and shall be removed from his office, or employment, as the case may be.

Sec. 6. That the sum of fifteen thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any moneys in the State treasury not otherwise appropriated, for the purpose of carrying out the provisions of this act: Provided, That no expense in excess of the amount hereby appropriated shall be incurred under the provisions of this act.

Sec. 7. The great necessity for gathering and collecting useful and valuable information concerning the mineral and other natural resources of the State, and the present lack of means to ascertain the same, creates an imperative public necessity, and an emergency exists requiring that the constitutional rule which requires bills to be read on three several days in each house be suspended, and said rule is so suspended, and it is enacted that this act take effect and be in force from and after its passage.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 45 yeas, 37 nays; and passed the Senate by a vote of 24 yeas, 4 nays.]

Approved, May 12, 1888.

#### NORTH TEXAS INSANE ASYLUM.

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| <p>Sec.</p> <ol style="list-style-type: none"> <li>1. Provides for construction of wings to said asylum.</li> <li>2. Character and capacity of said wings.</li> <li>3. To be contracted for by Governor, Comptroller, and Treasurer.</li> </ol> | <p>Sec.</p> <ol style="list-style-type: none"> <li>4. Duties of Superintendent.</li> <li>5. \$150,000 appropriated for the purposes of this bill.</li> <li>6. Emergency clause.</li> </ol> |
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CHAP. 14.—[S. B. No. 7.] An Act to erect and furnish additions to the North Texas Insane Asylum, and to make an appropriation therefor.

Section 1. Be it enacted by the Legislature of the State of Texas: That there shall be erected upon the grounds belonging to the North Texas Insane Asylum at Terrell, Texas, an addition to said asylum, said addition to consist of two wings to be added to the east and west ends of said asylum respectively, which said wings shall be substantial duplicates of the east and west sections of said asylum building.

Sec. 2. Said wings shall be of sufficient capacity to accommodate at least four hundred patients, and shall be provided with modern improvements for furnishing water, heat, light, ventilation, and sewerage.

Sec. 3. The Governor, Comptroller, and Treasurer shall immediately after the passage of this act contract for the construction of said wings, according to such specifications as they may adopt, with the lowest responsible bidder, who shall give a good and sufficient bond for the completion of the buildings according to contract.

Sec. 4. That the Superintendent of said asylum and a building supervisor, who shall be employed by the Governor, shall supervise the construction of the said additions to said asylum provided for in this act.

Sec. 5. That there shall be appropriated, out of any funds now in the treasury not otherwise appropriated, the sum of one hundred and fifty thousand dollars, or so much thereof as may be necessary, for the construction of said wings and purchasing the necessary furnishings therefor: Provided, That such wings shall be of such a character that same may be completed and amply furnished and equipped for the comfort of the inmates out of the appropriation herein made.

Sec. 6. Whereas there are now a large number of insane persons throughout the State who are in need of immediate treatment, and whose condition is rapidly growing worse from a lack of such treatment, therefore an emergency exists that this law shall take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the Senate, and passed the same by a vote of 28 yeas, no nays; and passed the House by a vote of 87 yeas, 4 nays.]

Approved, May 8, 1868.

#### FURNISHING NEW CAPITOL.

Sec.

1. Creates and authorizes Governor to appoint Capitol Furnishing Board.
2. Prescribes oath of said board and expert.
3. Board to appoint expert.
4. Provides for advertising for sealed bids, etc.
5. Deposit by bidders as guarantee of good faith.
6. Opening of bids by board, award, etc.
7. Bond of contractor.

Sec.

8. Compensation of board and expert.
9. A majority of the board may act.
10. Report by the board to the Legislature.
11. \$140,000 appropriated for purposes of this bill.
12. Provides manner of payment of vouchers of board.
13. Empowers the Governor to dismiss any or all of board.
14. Emergency clause.

CHAP. 15.—[H. B. No. 91.] An Act to provide for a board to contract for, direct, and supervise the furnishing of the new Capitol building, the grading, improving, and fencing the Capitol grounds, and to make an appropriation therefor.

Section 1. Be it enacted by the Legislature of the State of Texas: That the Governor is hereby authorized to appoint three competent resident citizens of the State of Texas to be known as the Capitol Furnishing Board, whose duty it shall be to contract for, direct, and supervise the furnishing of the new capitol building, and to contract for the fencing, grading, and improving of the new capitol grounds.

Sec. 2. Before said board and the expert hereinafter mentioned can enter upon the discharge of their duties each one shall subscribe to the following oath: "I (A. B.) do solemnly swear that I will not directly or indirectly be interested or concerned with any contractor or contractors for the furnishing of said capitol building or any portion thereof, or in the proceeds or profits growing out of the same, or in any work or labor done thereon, or material furnished or any portion thereof, so help me God."

And any one of said board offending against the true intent and meaning of this oath shall upon indictment and conviction suffer all the pains and penalties of perjury as defined and imposed in this State.

Sec. 3. Said board shall have power to appoint an expert, who shall assist them in examining the drawings, plans, and specifications for furnishing said capitol building. Said specifications shall conform to the specifications adopted by the United States government in regard to construction, material and finish. Said board shall have power to appoint a civil engineer to make an estimate of the number of cubic yards of earth to be removed.

Sec. 4. Said board shall advertise for sealed bids from furniture dealers, manufacturers, or other persons. Each bid must be accompanied by drawings, plans, and specifications of the articles to be furnished. The cost of the advertisements to be paid out of the appropriation hereinafter provided. The bids aforesaid for furnishing the capitol may be for doing all the furnishing or any part or parts thereof as in the judgment of the board may be deemed best and most economical. And said board shall also advertise for sealed bids for fencing and improving the new capitol grounds and said board shall be governed in said bids as hereinbefore and hereinafter provided. And they shall require of the person, firm, or association of persons, where a bid has been accepted for the fencing and grading and improving the new capitol grounds, a bond in the sum of twenty-five thousand dollars, with two or more good and sufficient sureties, to be approved by them and payable to the Governor of the State of Texas, for the faithful compliance on their part with the terms of the contract in every particular.

Sec. 5. Before any bids can be opened and considered by said board, the person, firm, or association of persons submitting drawings, plans, specifications, and bids, shall deposit with the State Treasurer a sum of money, or certified check approved by and payable to the State Treasurer, equal in amount to at least one-tenth of the amount so bid by such person or persons, in lawful money of the United States, for the faithful compliance on their part with the terms of the contract hereinafter provided for in this act; said sum of money or check to be returned to said person or persons who deposited the same when the Treasurer has been notified by the board that the bids of such person or persons have been rejected by the board, or the terms of the contract complied with; but should the bid of any person, firm, or association of persons, with the accompanying drawings, plans, and specifications, be accepted by said board, and such person fail to give the bond required by this act within thirty days after such person, firm, or association of persons have been notified that their bid has been accepted by said board, then the sum of money or certified check deposited shall be considered as liquidated damages, and be forfeited to the State and credited to the appropriation herein provided.

Sec. 6. Said board shall open said bids, with the accompanying drawings, plans, and specifications, on the day fixed by the board for opening the bids, before such persons as may desire to be present, and shall award the contract to the lowest and best bidder. Said board shall have power to reject any and all bids.

Sec. 7. Said board shall require of the person, firm, or association of persons whose bid for furniture has been accepted, a bond in the sum of fifty thousand dollars, with two or more good and sufficient sureties, to be approved by them and made payable to the Governor of the State of Texas, for the faithful compliance on their part with the terms of the contract in every particular.

Sec. 8. The members of said board and the expert herein provided for shall each receive the sum of five dollars per day for each and every day actually engaged in said work, not to exceed ninety days, and all necessary expenses, the amounts of each to be itemized and verified by their own affidavits.

Sec. 9. A majority of said board shall be sufficient to transact all business that may come before them.

Sec. 10. Said board shall submit to the next Legislature a full and detailed account of all their acts and doings in the premises.

Sec. 11. For the purpose of supplying furniture for the new capitol building and fencing and improving the capitol grounds, the sum of one hundred and forty thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any of the funds of this State not otherwise appropriated. Out of the amount herein appropriated for the purposes of this act one hundred thousand dollars shall constitute the sum for furnishing the capitol, and the sum of forty thousand dollars shall constitute the sum for fencing, grading, and improving the capitol grounds.

Sec. 12. All moneys to be paid out under this act shall be by warrants drawn upon the Treasurer by the Comptroller of Public Accounts, who is authorized to draw the same upon the vouchers of the board approved by the Governor.

Sec. 13. The Governor is hereby authorized and empowered to dismiss, at his own discretion, any one or all of said board, and appoint their successors.

Sec. 14. Whereas the near approach of the close of this session renders it impossible that this bill can be read on three several days, and there being no law requiring the furnishing of the new capitol building and the fencing and improving of the capitol grounds, therefore an emergency exists and an imperative public necessity demands that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 60 yeas, 24 nays; and passed the Senate by a vote of 21 yeas, 4 nays.]

Approved, May 17, 1888.

#### FOR REMOVING DEBRIS FROM GROUNDS OF NEW CAPITOL.

Sec.

1. \$500 appropriated for removing debris, etc., from grounds of new Capitol; defines how same is to be expended, etc.

Sec.

2. Emergency clause.

CHAP. 16.—[H. S. for S. C. R. No. 3.] An Act for clearing Capitol grounds and making an appropriation therefor.

Whereas from the condition of the capitol grounds approach to the new capitol is rendered tedious and difficult; and

Whereas it is of the utmost importance that said approaches be cleared and the debris and rubbish now upon the capitol grounds be removed before the dedication of said capitol: Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas: That the Superintendent of Public Buildings and Grounds be and is hereby authorized and required to contract for the removal of said rubbish and debris

and the clearing of said approaches in such manner as to him may be deemed best, and the sum of five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys now in the State treasury not otherwise appropriated, to carry out the objects of this act, which may be drawn from the treasury upon the warrant of said Superintendent: Provided, That under authority granted the Superintendent under this act he shall not have the power to bind the State for the payment of a greater amount of money than is hereby appropriated.

Sec. 2. Whereas the near approach of the time set for the dedication of the new capitol, and the importance of having the approaches cleared to the capitol, create an imperative public necessity which requires that the constitutional rule that bills be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 71 yeas, 14 nays; and passed the Senate by a vote of 23 yeas, 2 nays.]  
Approved, May 1, 1888.

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RECEPTION OF NEW STATE CAPITOL.

Sec.

1. Creates Capitol Board and defines duties of in respect to receiving new Capitol.

Sec.

2. Emergency clause.

CHAP. 17.—[S. for S. H. B. No. 38.] An Act to provide for the reception of the new State Capitol Building.

Whereas there is no provision in the law which clearly defines how or in what manner the new State Capitol Building shall be received: Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas: That the Governor, Treasurer, Comptroller and Commissioner of the General Land Office, are hereby constituted a board for the purpose of receiving or ejecting the new State Capitol Building, in whole or in part, with full power to act in the premises, saving and reserving to the State all rights under the contract and the securities given for the performance thereof: Provided, That the contractor shall in no wise be held responsible for any injury done to said building by the public after the reception of the said building or any part thereof.

Sec. 2. That the near completion of this important work requires immediate action not heretofore provided for by law, and creates an imperative public necessity and an emergency demanding that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 83 yeas, 1 nay; and passed the Senate by a vote of 22 yeas, 5 nays.]  
Approved, May 2, 1888.

### APPROPRIATION FOR MILEAGE AND PER DIEM PAY OF OFFICERS, MEMBERS, AND EMPLOYES.

Sec.

1. \$40,000 appropriated for per diem pay of members, etc., of the Special Session Twentieth Legislature.
2. Manner of auditing claims against this appropriation.

Sec.

3. Unexpended balances heretofore appropriated for per diem pay of Legislatures hereby appropriated for purposes of this act.
4. Emergency clause.

CHAP. 18.—[H. B. No. 2.] An Act making an appropriation for mileage and per diem pay of members and per diem pay of officers and employes of the First Called Session of the Twentieth Legislature of Texas, convened April 16, A. D. 1888, by proclamation of the Governor.

Section 1. Be it enacted by the Legislature of the State of Texas: That the sum of forty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, for the payment of mileage and per diem pay of the members and the payment of the per diem pay of the officers and employes of the First Called Session of the Twentieth Legislature of Texas, convened April 16, A. D. 1888, by proclamation of the Governor.

Sec. 2. That the certificate of the Secretary of the Senate, approved by the President thereof, or the certificate of the Chief Clerk of the House, approved by the Speaker thereof, shall be sufficient evidence to the Comptroller upon which he shall audit the claims and issue his warrants upon the Treasurer for the respective amounts.

Sec. 3. That the balance of the moneys remaining in the treasury heretofore appropriated for the per diem pay and mileage of the members and the per diem pay of the officers and employes of any preceding session of the Legislature of the State of Texas, be and the same is hereby reappropriated for the purposes specified in this act.

Sec. 4. And whereas the Called Session of the Twentieth Legislature, for the payment of the members and officers of which this law is enacted, is now in session, and public policy requires this payment, therefore an imperative public necessity exists that the rule requiring this bill to be read on three several days be suspended, and it is so enacted, and that this [act] take effect and be in force from and after its passage.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 89 yeas, no nays; and passed the Senate by a vote of 28 yeas, no nays.]  
Approved, April 20, 1888.

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### APPROPRIATION TO DEFRAY CONTINGENT EXPENSES.

Sec.

1. \$10,000 to defray contingent expenses of Special Session Twentieth Legislature.

Sec.

2. Emergency clause.

CHAP. 19.—[H. B. No. 15.] An Act making an appropriation to defray the contingent expenses on the First Called Session of the Twentieth Legislature, convened April 16, A. D. 1888, by proclamation of the Governor.

Whereas it is of sufficient importance that the contingent expenses of the extra session of the Twentieth Legislature be promptly paid, in order that the material furnished and labor performed may be procured at cash prices: Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas: That the sum of ten thousand dollars, or so much thereof as may be necessary, is

hereby appropriated, out of any moneys in the treasury not otherwise appropriated, to pay the contingent expenses of the First Called Session of the Twentieth Legislature, convened April 16, 1888, by proclamation of the Governor, and that the approval by the Chairman of the Committee on Contingent Expenses of either house, countersigned by the President of the Senate, or Speaker of the House of Representatives, as the case may be, shall be sufficient authority to authorize the Comptroller to issue his warrant on the State Treasurer for the payment of any account against said fund.

Sec. 2. That the public importance of the objects herein contemplated creates an imperative public necessity and emergency fully authorizing the suspension of the constitutional rule requiring bills to be read on three several days in each house, and said rule is hereby suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 90 yeas, no nays; and passed the Senate by a vote of 28 yeas, no nays.]

Approved, April 26, 1888.

### GENERAL APPROPRIATION.

Sec.

1. General appropriation for current expenses, etc., of State government.

Sec.

2. Emergency clause.

CHAP. 20.—[S. H. Bs. Nos. 7, 18, 30, 47, 50, 53, and S. S. Bs. 11, 20.] An Act making additional appropriations for the support of the State government for the period of time beginning March 1, 1888, and ending February 28, 1889, and to pay certain obligations of the State incurred prior to March 1, 1887.

Section 1. Be it enacted by the Legislature of the State of Texas: That the following sums of money, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the support of the State government for the period of time beginning March 1, 1888, and ending February 28, 1889, and to pay certain obligations of the State incurred prior to March 1, 1887:

For constructing additional buildings at the State Lunatic Asylum at Austin, for repairs, etc., as follows:

Residence for Superintendent and other officers and employes.....	\$10,000 00
Laundry, etc .....	5,700 00
Literature, music, etc.....	500 00
Repair of walls.....	1,000 00
Salary of three attendants and one night watchman at \$20 each per month .....	800 00
Pigeon-holes for Court of Appeal at Galveston.....	\$300 00
Books, furniture, etc., Court of Appeals.....	600 00

#### For the Blind Asylum.

For the erection, enlarging, and repairing of buildings, and equipping the same; building, repairing, and equipping a



steam laundry; gas pipes and fixtures; steam heating apparatus and fixtures; and steam engine and boiler; the sum of..... \$18,500 00

**For the Agricultural and Mechanical College.**

To erect a dormitory and assembly hall.....	\$20,000 00
Furniture for same.....	2,000 00
Repair of college buildings and professors' residence.....	9,000 00
To provide a water supply.....	2,000 00
For fencing college land and repairing of present fences.....	2,500 00
To erect barn.....	1,000 00
Equipping of mechanical department.....	1,500 00
Equipment of civil engineering department.....	1,000 00
Equipment of drawing department.....	500 00
Equipment of veterinary science department.....	1,500 00
Work stock and farm implements.....	500 00

For furnishing, improving, and making certain additions to the State Reformatory, the sum of..... \$25,890 00  
 Provided, That not more than \$5,700 of said sum shall be expended in the erection of additional buildings.

**For the Deaf and Dumb Asylum.**

To erect addition to present building, or to purchase ground and erect new building and furnish same, as may be determined by trustees.....	\$18,000 00
For buildings, repairs, and improvements, and to provide a water supply, at Prairie View Normal School.....	\$25,000 00
For quarantine service .....	\$36,500 00
For the purchase of pictures and statuary of men prominent in history, which sum, or so much thereof as may be necessary, shall be expended by the Governor, Secretary of State, and Commissioner of Agriculture, Insurance, Statistics, and History, upon whose order the Comptroller shall issue his warrants for such sums as may be so expended .....	\$10,000 00

**State Department.**

For indexing, labelling, arranging, and binding books, rolls, documents, printed and unprinted, and all other papers in State Department in the new capitol .....	\$2,500 00
For extra clerk hire.....	200 00
For rent of rooms and storage of books.....	75 00
For the erection of buildings and other improvements on the grounds of the State Orphan Asylum at Corsicana, Texas, to be expended under the direction of the Board of Managers of said asylum, and to be disbursed upon vouchers approved by said board and by the Governor.....	\$15,000 00
and the available fund to the credit of said asylum now in the treasury.	

For moving furniture, books, papers, etc., into the new capitol.....	\$500 00
To pay actual expenses of Commissioner of Agriculture, Insurance, Statistics, and History, in enforcing insurance laws.....	\$400 00
To purchase one type-writer.....	85 00
To pay to Nelson M. Darden, for service as night watchman on the third floor of the temporary capitol, for the month of March, 1887, the sum of .....	\$65 00
To pay certain deficiencies, as follows:	
Witness fees prior to March 1, 1887.....	\$5,581 00
Publishing constitutional amendments .....	7,246 00
Henry Hollingworth .....	2 61
Wayland & Crizer .....	4 95
George Assman .....	4 10
J. A. Nagle .....	7 06
W. N. Lowe et als.....	59 35
E. S. Cumeley .....	26 70
D. D. Atchison .....	78 15
Covert & McCarty.....	216 50
Telephone Company .....	150 00
To pay for the survey and marking of the boundary line of the real property belonging to the State and situated in the city of Austin .....	\$150 00
To pay W. B. Houston, district attorney of the 39th judicial district, for services in suit of The State v. E. P. Davis et als.....	500 00
To pay Geo. E. Miller, district attorney of the 30th judicial district, for services in suit of The State v. The Stone Cattle and Pasture Company .....	250 00
For flag and flag-staff to be placed on the new capitol, to be expended by the Superintendent of Public Buildings and Grounds...	100 00
For fuel, lights, and water for capitol building.....	10,000 00
For employing such service as may be necessary for preservation, care, and protection of the capitol building and grounds, to be expended by the Superintendent of Public Buildings and Grounds.	10,000 00
To pay cost in the case of Ex parte Robert Stockton, in U. S. District Court for Eastern District of Texas.....	179 75
For compensation of clerks of county courts of various counties for recording lists of school lands placed by the Commissioner of the General Land Office upon the market for sale, to be at the rate of ten cents per hundred words, to be paid out of school fund....	2,500 00
For payment of amounts due by the State to officers of courts in escheat cases .....	300 00
To purchase of library for consultation room for the Supreme Court..	2,500 00
As a loan to the available fund of the University of Texas, to be placed to the credit of said fund out of the indemnity fund now in the State treasury, and to be repaid to the State out of the revenues of the University on or before January 1, 1910, without interest .....	125,000 00

Of which the sum of \$50,000 is hereby appropriated and set apart to be used in the construction of buildings for the Medical Branch of the University of Texas at the city of Galveston: Provided, That the said city of Galveston shall donate to the University of Texas Block No. 668 in said city to be used for the Medical Branch of said institution: And provided further, That the executors of the estate of John Sealy, deceased, shall agree to construct on said block, at a cost of not less than \$50,000, a medical hospital, which, when completed, is to be donated to the Medical Branch of the University of Texas, and to be under the control of the Board of Regents of said University: Provided further, That this loan shall be in full payment and satisfaction of all claims of the University of Texas against the State of Texas for moneys drawn from the University fund by said State.

To pay expenses of State agent while at Washington, D. C., in establishing the balance of State frontier indemnity claim due by the general government, to be paid upon the warrant of the Governor . . . . .	\$1,000 00
For repairs of the General Land Office building . . . . .	3,000 00

Sec. 2. The fact of the near approach of the close of the session and the great press of business rendering it improbable that this bill will be reached in its regular order creates an emergency and an imperative public necessity which justifies the suspension of the constitutional rule requiring bills to be read on three several days, and that this act should go into effect from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the House, and passed the same by a vote of 69 yeas, 24 nays; and passed the Senate by a vote of 24 yeas, no nays.]  
Approved, May 17, 1888.

# RESOLUTION.

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## CONCURRENT RESOLUTION ADDRESSED TO SENATORS AND REPRESENTATIVES IN CONGRESS FOR RETENTION OF TROOPS IN TEXAS.

[S. C. R. No. 5.] Senate Concurrent Resolution requesting our Senators and Representatives in Congress to use their utmost efforts with the administration to secure the retention of the present number of regiments and especially the present cavalry force now on duty in the Department of Texas.

Whereas under the late orders of the War Department the stations of a number of regiments in the United States Army have been changed, and in the new movements contemplated the Eighth Regiment of Cavalry, which has been on duty in this department for a number of years guarding our long frontier, is to be sent to Dakota, and no new regiment has been ordered to take its place, the force in this State being thus reduced to this extent; and whereas the troops now serving in the department, including said regiment, are absolutely essential to the protection of life and property along the exposed frontier of the State, and two regiments of cavalry especially are absolutely required to maintain the long line of defense from the mouth of the Rio Grande to El Paso and to guard effectually the western borders of the State; and whereas the reduction of the present force would be most unfortunate for the interest of our people and would impair its efficiency for the defense of our border and endanger the security of the life and property of our citizens: Therefore,

Be it resolved by the Legislature of the State of Texas, That our Senators and Representatives in Congress be requested to exhaust every means in their power to induce the administration to abandon the idea of any such diminution of the military strength in this department as is said to be contemplated, and to secure the retention of the present establishment.

Approved, May 14, 1888.

STATE OF TEXAS,  
DEPARTMENT OF STATE.

I, J. M. Moore, Secretary of State of the State of Texas, certify that the foregoing laws and concurrent resolution, passed at the Special Session of the Twentieth Legislature, have been carefully examined and compared with the original enrolled bills now on file in this department, and that the same are true copies of said originals.

I further certify that the Twentieth Legislature convened in Special Session, in pursuance to the proclamation of the Governor of Texas, in the City of Austin April 16, A. D. 1888, and adjourned May 15, A. D. 1888.

In testimony whereof I have subscribed my name and affixed the seal [SEAL.] of the State of Texas. Done in the city of Austin, May 26, A. D. 1888.

J. M. MOORE,  
Secretary of State.

# APPENDIX.

## PROCLAMATION

By the Governor of the State of Texas.

To all to whom these presents shall come:

Whereas there is now in the State Treasury a larger amount of money than is required for the economical administration of the government; and the near completion of the State Capitol building requires that it should be inspected by representatives of the people with a view to its acceptance, or rejection, and if accepted, the proper provisions made for its occupancy; and there is an imperative public necessity for the amendment of the tax laws, so that if found practicable the burden of taxation may be lightened from the people; and as the State is indebted for services of school teachers of the public schools, to an extent which greatly impairs their usefulness, and which requires such amendment of the school law as may most conduce to the effectiveness of our system of public education; and Congress has now before it an act looking to the permanent settlement of the disputed claim of our State to Greer County, which, if it becomes a law, will necessitate prompt legislative action; and these several matters are of such grave importance and general interest as to create an emergency necessitating the convening of the Twentieth Legislature in special session:

Now, therefore, I, L. S. Ross, Governor of Texas, do hereby issue this my proclamation convening the Twentieth Legislature to meet in their respective halls, in the City of Austin, on Monday the sixteenth day of April, A. D. 1888, in special session, and do hereby designate the following as subjects of legislation, to wit:

1. To provide for the proper distribution of the surplus moneys now in the treasury, by necessary appropriations.

2. To inspect and make such provision for furnishing and preserving the new capitol as may be deemed proper; for putting the capitol grounds in condition, and to determine what disposition shall be made of other State property at the seat of government.

3. To make such changes in the laws relating to taxation and revenue as may seem most consonant with the interests of the people, with the view of a more uniform and just assessment and certain collection; and a consideration of the advisability of reducing the present tax rate.

4. To make such alteration in the present law regarding the public education of the youth of our State as may be found necessary, and appropriations to pay any indebtedness that may have accrued by reason thereof; to make appropriations for our various charitable institutions requisite to their more extended usefulness and betterment; and for a geological survey of the State, if demanded by general public interest.

5. To make such changes in subdivision 24, of Article 566, Revised Statutes, as amended by Act of March 23, A. D. 1887, as may be deemed wise and expedient to meet the increased demands of the agricultural interest of the State.

6. To make such provision as may be necessary for co-operation with

the United States government in the settlement of the boundary of that portion of the State embracing Greer County.

Done at the Executive Office in the City of Austin, this the 31st day of March, A. D. 1888, and in the year of our independence the fifty-third.

L. S. ROSS,  
Governor of Texas.

By the Governor:

J. M. MOORE,  
Secretary of State.

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EXECUTIVE MESSAGE.

Executive Office, Austin, May 8, 1888.

To the Honorable Senate and House of Representatives:

Gentlemen—I have the honor to inform you that Attorney-General Hogg has called my attention to the fact that the State has now pending several important suits, involving interests of great magnitude to the general public, which are likely to suffer serious loss by reason of the great delay incident to the regular procedure of the courts now provided; and as it is further stated that those representing the interests adverse to the State have signified their desire for a speedy determination of these litigated questions, I respectfully suggest for your consideration the propriety of amending Article 1034, Revised Civil Statutes, relating to practice in the courts, if, in your judgment, the same may be done at this stage of your proceedings without jeopardizing the successful completion of other legislation now being considered by your honorable bodies.

L. S. ROSS,  
Governor of Texas.

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**GENERAL LAWS**  
**OF**  
**THE STATE OF TEXAS**

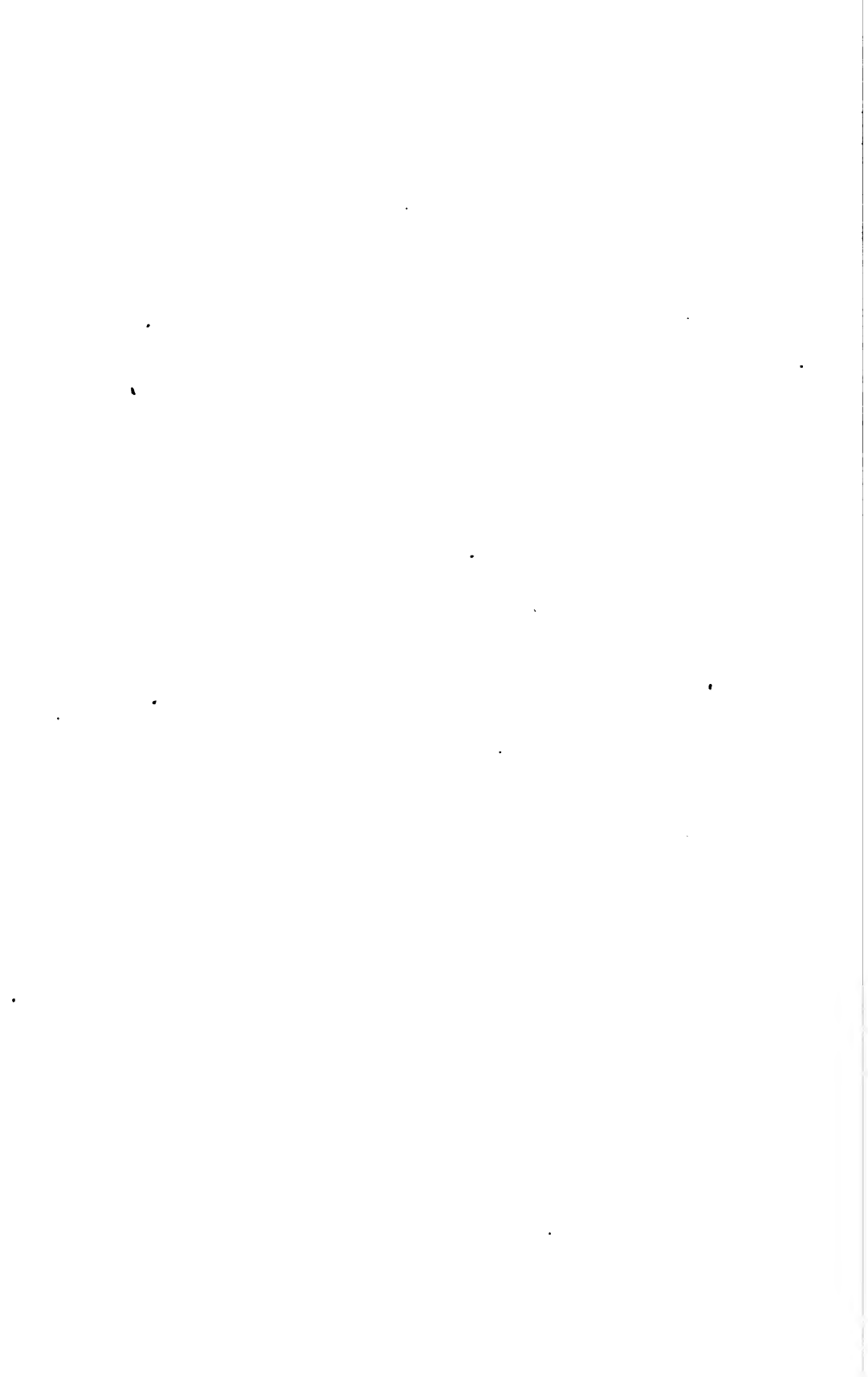
**PASSED AT THE**  
**REGULAR SESSION OF THE TWENTY-FIRST LEGISLATURE**

**CONVENED**  
**AT THE CITY OF AUSTIN**

**JANUARY 8, 1889, AND ADJOURNED APRIL 6, 1889.**



**AUSTIN**  
**1889**



# GENERAL LAWS OF TEXAS.

TWENTY-FIRST LEGISLATURE, 1889.

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## PART I.

### Amendments to Revised Civil Statutes.

#### GARNISHMENT.

Sec. 1. Amends Revised Statutes, Article 191, relating to writs of garnishment.

CHAP. 1.—[S. S. B. No. 6.] An Act to amend Article 191, Chapter 2, Title 9, of the Revised Civil Statutes of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 191, of Chapter 2, Title 9, of the Revised Civil Statutes of the State of Texas, be so amended as to hereafter read as follows:

Article 191. From and after the service of such writ of garnishment it shall not be lawful for the garnishee to pay to the defendant any debt or to deliver to him any effects; nor shall the garnishee, if an incorporated or joint stock company in which the defendant is alleged to be the owner of shares or to have an interest, permit or recognize any sale or transfer of such shares or interest; and any such payment or delivery, sale or transfer, shall be void and of no effect as to so much of said debt, effects, shares, or interest as may be necessary to satisfy the plaintiff's demand: Provided, however, That the defendant may at any time before judgment replevy any effects, debts, shares, or claims of any kind seized or garnished, by giving bond, with two or more good and sufficient sureties to be approved by the officer who issued the writ of garnishment, payable to the plaintiff, in double the amount of the plaintiff's debt, and conditioned for the payment of any judgment that may be rendered against the said garnishee in such suit, which bond when properly approved shall be filed among the papers in the cause in the court in which the suit is pending; and in all proceedings in garnishment where the defendant gives bond as herein provided for, such defendant may make any defense which the defendant in garnishment could make in such suit.

Approved, February 9, 1889.

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#### CITIES AND TOWNS.

Sec. 1. Amends Revised Statutes, Article 375, Power over streets, etc.  
2. Emergency clause.

CHAP. 2.—[S. B. No. 140.] An Act to amend Article 375, Title 17, of the Revised Civil Statutes of the State of Texas, as amended by an act approved on the twenty-seventh day of March, 1885.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 375, Title 17, of the Revised Civil Statutes of the State of Texas, be so amended as to hereafter read as follows:

Article 375. To have the exclusive control and power over the streets, alleys, and public grounds and highways of the city, and to abate and remove encroachments or obstructions thereon; to open, alter, widen, extend, establish, regulate, grade, clean, and otherwise improve said streets; to put drains or sewers therein, and to prevent the encumbering thereof in any manner, and to protect the same from encroachment or injury; and to cause all able-bodied male inhabitants above 18 years of age, except ministers of the gospel, to work thereon not exceeding five days in any one year, or furnish a substitute or a sum of money (not to exceed one dollar for each day's work demanded) to employ said substitute, and to enforce the same by appropriate ordinances; and to regulate and alter the grade of premises, and to require the filling up and raising of the same; and such city council shall also have power to alter or vacate the alley in any block of ground within the city, upon the written application of the owner of the block, or if there be more than one owner of such block, then upon the written application of all the owners thereof uniting in such application, and such alley so vacated shall thereupon revert to and become the property of the owner of the block of which it was a part, or if more than one, then to the owners of the adjoining lots therein, each extending to the center of the alley so vacated.

Sec. 2. The condition and exigencies of many cities in this state create an imperative public necessity that the rule requiring the bills to be read on three several days be suspended, and that this act shall take effect from and after the day of its passage, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 25 yeas, 2 nays; and passed the house March 28, 1889.

Approved, March 30, 1889.

#### CITIES AND TOWNS.

- Sec. 1. Amends Revised Statutes, Article 421, as to city bonds.
2. Emergency clause.

CHAP. 3.—[H. B. No. 377.] An Act to amend Article 421, of Title 17, of Chapter 4, of the Revised Civil Statutes of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 421, of Title 17, of Chapter 4, of the Revised Civil Statutes of the State of Texas, be so amended as hereafter to read as follows:

Article 421. All bonds shall specify for what purpose they were issued, and when any bonds are issued by the city a fund shall be provided to pay the interest and create a sinking fund to redeem the bonds, which fund shall not be diverted nor drawn upon for any other purpose: Providing, however, That said sinking fund may, as it accumulates, be invested in bonds of the United States, the state of Texas, or counties in said state: and the city treasurer shall honor no draft upon said fund except to pay interest upon or to redeem the bonds for which it was provided, or for investment in other securities as above provided.

Sec. 2. Whereas in some cities and towns the sinking fund for the payment of bonds has accumulated, and said cities and towns are paying interest on outstanding bonds, and there being at present no adequate provisions for investing said fund, therefore an emergency exists and an imperative public necessity is created that the constitutional rule requiring bills to be read on

three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 77 yeas, 1 nay; and passed the senate March 30, 1889.]  
Approved, April 3, 1889.

## CITIES AND TOWNS.

- Sec. 1. Amends Revised Statutes, Article 426, as to taxation in cities having more than 10,000 inhabitants, etc.  
2. Emergency clause.

CHAP. 4.—[H. B. No. 669.] An Act to amend Article 426, Title 17, Chapter 5, of the Revised Civil Statutes of Texas, and to validate levies and assessments of taxes made by cities for 1889.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 426 of the Revised Civil Statutes be so amended as hereafter to read as follows:

Article 426. Cities having more than ten thousand inhabitants may levy, assess, and collect taxes not exceeding one and one-half per cent on the assessed value of real and personal estate and property in the city, not exempt from taxation by the constitution and laws of the state, and assessments, levy, and collection of taxes made by such cities for the year 1889 are hereby made valid to the amount aforesaid, and such cities are hereby authorized to levy, assess, and collect a further tax of twenty-five cents on the one hundred dollars worth of property for the purpose of paying the debts of such city lawfully contracted prior to the first day of January, 1889, not to include any bonded debt. Any funding warrants that may be issued for such debt by any such city shall not be included in the limit of six per cent prescribed by Article 420: Provided, That this act shall not apply to or in any manner affect any city organized under a special charter, and shall not be construed to validate any debt contracted by any city without authority of law existing at the time the same was contracted.

Sec. 2. The near approach of the close of the session and the fact that there is doubt of the validity of taxes assessed, levied, and collected by cities for the year 1889, creates an imperative public necessity and emergency which authorizes the suspension of the rule requiring bills to be read on three several days, and said rule is hereby suspended, and this act will take effect from and after its passage.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 75 yeas, 4 nays; and passed the senate by a vote of 18 yeas, 6 nays.]  
Approved, April 8, 1889.

## CITIES AND TOWNS.

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| <p>Sec.<br/>1. Amends Act of March 28, 1883.<br/>Subsection 1. Right of eminent domain.<br/>2. Special commission to assess damages.</p> | <p>Sec.<br/>3. Proceedings of said commission, how governed.<br/>4. Revised Statutes—Article 478 repealed.</p> |
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Chap. 5.—[H. B. No. 407.] An Act to amend an act to regulate the condemnation of property in cities and towns for the purpose of opening, widening, or changing public streets, avenues, or alleys, or for water mains or sewers, approved March 28, 1883.

Section 1. Be it enacted by the Legislature of the State of Texas: That the above entitled act be and the same is hereby amended so as to read as follows:

Section 1. That whenever the city council of any incorporated city or town shall deem it necessary to take any private property, in order to open,



change, or widen any public street, avenue, or alley, or for the construction of water mains, or supply reservoirs or stand-pipes for water works, or sewers, within or without the limits of such city or town, such property may be taken for such purpose by making just compensation to the owner thereof. If the amount of such compensation cannot be agreed upon, it shall be the duty of such city council to cause to be stated in writing the real estate or property sought to be taken, the name of the owner thereof, and his residence, if known, and file such statement with the county judge of the county in which said property is situated. Any company or corporation chartered under the laws of this state for the purpose of constructing water works or furnishing water supply for any town or city shall have the same right to condemn property necessary for the construction of supply reservoirs or stand-pipes for water works, when deemed necessary to preserve the public health, that is given towns and cities under this act.

Sec. 2. Upon the filing of such statement, it shall be the duty of said judge, in term time or vacation, to appoint three disinterested freeholders and qualified voters of the county as special commissioners to assess the damage to accrue to the owner by reason of such condemnation.

Sec. 3. The commissioners so appointed shall, in their proceedings, be governed and controlled by the law in force in reference to the condemnation of the right of way for railroad companies and the assessment of damages therefor—the city, town, company, or corporation occupying the position of the railroad company. And all laws in reference to applications for the condemnation for right of way of railroad companies, including the measure of damages, the right of appeal, and the like, shall apply to an application by a city or town, company or corporation, under this act, for the condemnation of property for the purpose of opening, changing or widening streets, avenues, or alleys, or for the construction of water mains, sewers, supply reservoirs, or stand-pipes—the city, town, company, or corporation to occupy the position of the railroad company]

Sec. 4. Article 478 of the Revised Statutes be and the same is hereby repealed. Approved, April 8, 1889.

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#### CITIES AND TOWNS.

- Sec. 1. Amends Revised Statutes, Article 486, as to publication of ordinances.  
2. Emergency clause.

CHAP. 6.—[S. H. B. No. 15.] An Act to amend Article 486 of the Revised Statutes of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 486 of the Revised Statutes of the State of Texas be so amended as hereafter to read as follows:

Article 486. Every ordinance imposing any penalty, fine, imprisonment, or forfeiture shall, after the passage thereof, be published in every issue of the official paper for ten days; if the official paper be published weekly, the publication shall be made in one issue thereof; and proof of such publication shall be made by the printer or publisher of such paper making affidavit before some officer authorized by law to administer oaths, and filed with the secretary of the city or town, and shall be prima facie evidence of such publication and promulgation of such ordinances in all courts of the state, and such ordinances so published shall take effect and be in force from and after the publication thereof, unless otherwise expressly provided. Ordinances not required to be

published shall take effect and be in force from and after the passage, unless otherwise provided. If any town or city shall desire to publish its ordinances in pamphlet or book form, it shall not be necessary to republish such ordinances as have been previously published.

Sec. 2. The fact that many cities and towns wish to publish their ordinances in convenient book or pamphlet form, and the further fact that existing laws cause great and unnecessary expense in doing so, create an imperative public necessity and an emergency authorizing the suspension of constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended, and this act will take effect and be in force from and after its passage.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 94 yeas, no nays; and passed the senate by a vote of 23 yeas, no nays.]

Approved, February 23, 1889.

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### TOWNS AND VILLAGES.

Sec. 1. Amends Revised Statutes, Article 507, as to incorporating towns and villages—Regulates examining trials and appeals from the courts thereof.

2. Emergency clause.

CHAP. 7.—[S. B. No. 69.] An Act to amend Article 507, Chapter 11, of the Revised Civil Statutes, so as to provide for the incorporation of towns and villages situated on both sides of a line dividing two counties.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 507, Chapter 11, of the Revised Civil Statutes, be so amended to read as follows:

Article 507. If the inhabitants of such town or village desire to be so incorporated, at least twenty residents thereof, who would be qualified voters under the provisions of this chapter, shall file an application for that purpose in the office of the judge of the county court of the county in which the town or village is situated, stating the boundaries of the proposed town or village and the name by which it is to be known if it be incorporated: Provided, That if any town or village be situated on both sides of a line dividing two counties, application may be made to the judge of the county court of either county in which a portion of said town or village is located, in manner and form as is hereinbefore provided: Provided further, That in towns and villages that may be incorporated on territory in two counties, in the trial of offenses before the mayor or recorder for a violation of the laws of the state or the ordinances of the corporation, an appeal shall be to the county court of the county in which the offense may have been committed; and in cases in which said mayor or recorder have not final jurisdiction, but when sitting as an examining court, parties brought before them on such examining court, charged with an offense against the laws of the state, shall be bound over by them to the county court of the county in which said offense is alleged to have been committed, or to the district court, as the case may be.

Sec. 2. Whereas the necessity for the preservation of law and order in the towns and villages of this state, provided for in the first and second provisions of the foregoing section, creates an emergency, and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 24 yeas, no nays; and passed the house by a vote of 77 yeas, no nays.]

Approved, February 13, 1889.

## COUNTY FINANCES.

- Sec. 1. Amends Revised Statutes, Article 975, relating to accounts to be kept by treasurer, etc.  
 2. Emergency clause.

CHAP. 8.—[H. B. No. 633.] An Act to amend Article 975, Title 24, of the Revised Civil Statutes of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 975 of the Revised Civil Statutes of the State of Texas be amended so as to hereafter read as follows:

Article 975. The county treasurer shall keep accurate accounts showing all the transactions of his office in detail, and all warrants by him paid off shall be punched at the time he pays them, and the vouchers relating to and accompanying each report shall be presented to the commissioners court with the corresponding report, when it shall be the duty of said court to compare the vouchers with the report, and all proper vouchers shall be allowed and the treasurer credited with the amount thereof.

Sec [2.] The near approach of the close of the session creates an emergency and a public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 83 yeas, no nays; and passed the senate by a vote of 24 yeas, no nays.]  
 Approved, April 5, 1889.

## SUPREME COURT AND COURT OF APPEALS.

- Sec. 1. Revised Statutes, Article 1006—Counties returnable on appeal and error to Tyler, and cases to be transferred thereto.  
 Revised Statutes, Article 1008—Counties so returnable to Austin.  
 2. Emergency clause.

CHAP. 9.—[S. B. No. 68.] An Act to amend Articles 1006 and 1008 of an act passed by the Twentieth Legislature, approved March 25, 1887, entitled "An Act to amend Articles 1006 and 1008 of an act passed by the Nineteenth Legislature, approved March 26, 1885, entitled 'An Act to amend Articles 1006, 1007, and 1008 of an act entitled "An Act to amend Articles 1006, 1007, and 1008, of the Revised Civil Statutes of the State of Texas," approved February 21, 1879, passed by the Eighteenth Legislature, and approved April 9, 1883.'"

Section 1. Be it enacted by the Legislature of the State of Texas: That articles 1006 and 1008 of the above recited act, sought hereby to be amended, be and the same are hereby amended so as hereafter to read as follows:

Article 1006. Appeals and writs of error from the counties of Anderson, Bowie, Camp, Cass, Cherokee, Delta, Ellis, Hopkins, Franklin, Gregg, Harrison, Henderson, Hunt, Kaufman, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Tarrant, Titus, Upshur, Van Zandt, and Wood shall be returnable to the term of said courts held at Tyler; and all cases from the county of Tarrant pending in the supreme court and court of appeals at Austin, and undetermined at the adjournment of the term of said courts commencing on the first Monday of April, 1889, shall be transferred to Tyler, and entered upon the dockets of said courts at Tyler, and shall be tried and determined in the same manner as if said cases had originally been made returnable to the term of said courts at Tyler.

Article 1008. Appeals and writs of error from the counties of Andrews, Archer, Armstrong, Atascosa, Bailey, Bandera, Bastrop, Baylor, Bell, Bexar, Blanco, Borden, Bosque, Briscoe, Brown, Burnet, Caldwell, Callahan, Carson, Castro, Childress, Collingsworth, Comal, Comanche, Concho, Cooke, Coryell,

Cottle, Crockett, Cochran, Clay, Coleman, Collin, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Denton, Dickens, Dimmit, Donley, Eastland, Edwards, El Paso, Erath, Falls, Fannin, Fisher, Floyd, Frio, Gaines, Garza, Gillespie, Gray, Grayson, Greer, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hartley, Haskell, Hays, Hemphill, Hill, Hockley, Hood, Howard, Hutchinson, Jack, Johnson, Jones, Karnes, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamar, Lamb, Lampasas, La Salle, Lee, Limestone, Lipscomb, Live Oak, Llano, Lubbock, Lynn, Martin, Mason, Maverick, McCulloch, McLennan, McMullen, Medina, Menard, Midland, Milam, Mitchell, Montague, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Palo Pinto, Parker, Pecos, Potter, Presidio, Randall, Reeves, Roberts, Robertson, Runnels, San Saba, Scurry, Shackelford, Sherman, Somervell, Stephens, Stonewall, Swisher, Taylor, Terry, Throckmorton, Tom Green, Travis, Uvalde, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Wise, Yoakum, Young, and Zavala shall be returnable to the term of said courts held at Austin.

Sec. 2. The importance of the amendment sought to be engrafted on the law by this bill creates an emergency and a public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 28 yeas, no nays; and passed the house by a vote of 74 yeas, no nays.]

Approved, February 21, 1889.

#### REPORTERS TO THE COURTS—OF SUPREME AND OF APPEALS.

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| <p>Sec.</p> <ol style="list-style-type: none"> <li>1. Appointment and removal by said courts of reporters.</li> <li>2. Stationery to be furnished reporters by printing board.</li> <li>3. Records to be delivered to reporters, and their manuscripts delivered to secretary of state.</li> <li>4. Courts to designate the cases to be reported.</li> <li>5. Duties of printing board.</li> </ol> | <p>Sec.</p> <ol style="list-style-type: none"> <li>6. Requisites of volume.</li> <li>7. Sale of reports by secretary of state.</li> <li>8. Saving clause as to manuscript already in hands of reporters.</li> <li>9. Repeals all laws in conflict with this.</li> <li>10. Duties of expert printer, etc. Reports may be let out on contract.</li> <li>11. Emergency clause.</li> </ol> |
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CHAP. 10.—[S. H. B. for S. B. No. 1.] An Act to provide for the printing and publishing the decisions of the supreme court and of the court of appeals for the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That the judges of the supreme court, after their election to each term of office, shall appoint some person or persons learned in the law, being a licensed attorney, to report the decisions of the supreme court, who shall be removable at the pleasure of the court, and who shall be paid for the services required by this act three thousand dollars per annum, payable monthly on the certificate of the chief justice. A reporter shall also be appointed by the judges of the court of appeals after their election to each term of office, who shall receive the same compensation allowed the reporter for the supreme court, payable monthly on the certificate of the presiding judge of said court of appeals, discharge the same duties for said court of appeals, and who shall in like manner be removed at the pleasure of the said court, and all the provisions of this act regarding the reporter of the supreme court, and publishing the opinions thereof, shall apply to the court of appeals and the opinions of that court.

Sec. 2. The reporter shall be furnished by the state printing board with the necessary stationery for the performance of the duties imposed by this act.

Sec. 3. Each reporter shall obtain from the clerks of their respective courts the records of cases to be reported, with the briefs and opinions in such cases, as soon as such cases are finally disposed of and the opinions are recorded, which shall be returned after the report thereof is completed. They shall without delay, under the direction of their respective courts, prepare such decisions, with appropriate syllabus, and statements when necessary, for publication in book form, and shall from time to time deliver the same to the secretary of state for the board of public printing as hereinafter provided. The secretary of state shall receipt for the same, and deliver to the expert printer appointed by the board of public printing for publication.

Sec. 4. The supreme court and court of appeals shall each designate by orders or otherwise the cases to be reported, and only such cases as are designated shall be reported and published, and only the main propositions made in the briefs and considered by the court in the opinion with the authorities cited in support of such propositions shall be incorporated in the report.

Sec. 5. As fast as the board of public printing shall receive through the secretary of state the manuscript copy of reported cases for the reporter, said board shall cause the same to be printed, with proper index, tables of cases cited, and of cases reported, at the printing office at the Deaf and Dumb Asylum of Texas, and have one thousand copies bound of each volume of reports. The index, tables of cases cited, and of cases reported shall be prepared by the reporter. The expert printer appointed by the printing board shall after revising the printing deliver a revise as the work progresses to the reporter, who shall correct and return to said expert.

Sec. 6. The decisions of each of said courts shall be printed and bound separate. Each volume shall not contain less than seven hundred pages nor more than eight hundred pages. Each page shall be twenty-six ems pica wide and forty-six ems pica long. The type used shall be long primer and minion of the same size used in volume 23 Wallace's United States Supreme Court Reports. The lines shall be leaded with not thicker than eight to pica leads. The paper, presswork, and binding shall be of the same style and at least equal quality in every respect with the volumes of Moore & Walker's Reports heretofore published. The volumes containing the supreme court decisions shall be styled "The Texas Reports," and those containing the decisions of the court of appeals shall be styled "The Court of Appeals Reports," and they shall be so respectively styled on the title page and back, and the volumes shall be numbered in continuation of present number. The name of the reporter may be printed on the back of each volume. Each volume shall be copyrighted in the name of the reporter, who shall immediately on delivery of the edition transfer and assign the same to the state. It shall be electrotyped and the plates shall be owned by the state and preserved by the secretary of state.

Sec. 7. When printed and bound the reports shall be delivered to the secretary of state, who shall sell single copies for \$2, exclusive of postage or express charges, and he shall also for the same price sell single copies of any former volume of reports for either of said courts heretofore published under the state's copyright and now owned by the state. The secretary of state shall deliver to the state treasurer the proceeds of all sales so made by him, of which and of his operations under this act and of the transactions of the said board hereunder he shall make a full statement and showing in his biennial report.

Sec. 8. Nothing contained in this act shall be held to apply to volumes of reports the manuscript of which is now in the hands of the present reporters or their publishers, or which may now be in course of publication

under a contract made in pursuance of existing laws, but the same shall be received by the secretary of state and paid for under the law in force (out of any money in the treasury not otherwise appropriated) prior to the passage of this act: Provided, This section shall not be construed as to the supreme court reporter to extend their publication under this section beyond the 71st volume, nor as to the court of appeals reporter so as to extend their publication under this section beyond the 27th volume.

Sec. 9. That an act to amend Articles 1026, 1027, 1028, 1029, 1030, 1031, and 1032, of Chapter 5, Title 26, and Articles 1077, 1078, 1079, 1080, 1081, and 1082, of Chapter 15, Title 26, of the Revised Civil Statutes of the State of Texas, approved February 21, 1879, approved May 1, 1882, together with all other laws in conflict herewith, be and they are hereby repealed.

Sec. 10. Should the expert printer, whose duty it is to supervise and have promptly executed the printing, binding, and delivering of the reports to the secretary of state, fail to have the work executed with promptness and in accordance with the provisions of this act, he shall be removed from his trust and another appointed; and whenever the board of public printing shall ascertain that the work of printing and binding the reports can be done more speedily, better, and more economically by contract, or that ample material and means to carry out the provisions of this act are not at their control, they shall at once let the printing and binding of the reports out by contract, requiring security for the performance of the work and the delivery to the state of the electrotype plates.

Sec. 11. No copies of reports shall be furnished to any county except upon payment made by such county to the secretary of state as in sale to private parties.

Sec. 12. The secretary of state may transmit advance sheets of the reports as the publishing progresses on receiving two dollars for the volume, the purchaser to have the right on returning all the forms of the volume to the secretary of state to have the same bound without further expense on his paying the expense of transmitting the same to and from the state department.

Sec. 13. The loss resulting to the state from the present system of reporting and publishing said reports creates an imperative public necessity and emergency authorizing the suspension of the constitutional rule requiring bills to be read on three several days, said rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 82 yeas, 18 nays; and passed the senate by a vote of 30 yeas, no nays.]  
Approved, March 6, 1889.

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#### PLEADING AND PRACTICE.

Sec. 1. Amends Revised Statutes, Article 1192, authorizing amendments to pleadings in vacation, etc.

CHAP. 11.—[S. B. No. 11.] An Act to amend Article 1192 of the Revised Civil Statutes.

Section 1. Be it enacted by the Legislature of the State of Texas: That article 1192 be amended so as to read as follows:

Article 1192. All parties to a suit may in vacation amend their pleadings, may file suggestions of death and make representative parties, and make new parties, and file such other pleas with the clerk of the court in which such

suit is pending as they may desire. And any party may in vacation intervene in any suit pending such amendments and pleas, subject to be stricken out at the next term of the court on motion of the opposite party to the suit for sufficient cause shown or existing, to be determined by the court: Provided, That it shall be the duty of the party filing such pleadings to notify the opposite party or their attorneys of the filing of such papers within five days from the filing of the same. All amendments to pleadings, pleas, and pleas of intervention, must, when court is in session, be filed under leave of the court, upon such terms as the court may prescribe, before the parties announce ready for trial, and not thereafter.

Approved, March 6, 1889.

### ELECTIONS.

- Sec. 1. Amends Revised Statutes, Article 1664—Prescribing election precincts in cities, towns, and villages.  
2. Emergency clause.

CHAP. 12.—[S. B. No. 74.] An Act to amend Title 34, Chapter 1, of the Revised Civil Statutes.

Section 1. Be it enacted by the Legislature of the State of Texas: That article 1664 of the above recited title and chapter be so amended as to hereafter read as follows:

Article 1664. In each incorporated city, town, or village each ward shall constitute an election precinct: Provided, That the commissioners court of the several counties may and it shall be their duty to divide any ward of any city or town into as many election precincts as they may deem proper: And provided further, That towns and villages incorporated in accordance with chapter 11 of title 17 shall not necessarily constitute a separate election precinct, except in elections pertaining solely to the affairs of said towns and villages.

Sec. 2. The fact that the commissioners courts of the several counties of the state will at the February term, 1889, rearrange the voting precincts of the different counties for the ensuing year, creates an emergency which requires the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 27 yeas, 1 nay; and passed the house by a vote of 76 yeas, no nays.]

Approved, February 12, 1889.

### CELEBRATION OF MARRIAGE.

- Sec. 1. Amends Revised Statutes, Article 2838, as to who are authorized to celebrate rites.  
2. Emergency clause.

CHAP. 13.—[S. B. No. 158.] An Act to amend Title 50, Article 2838, of the Revised Statutes, so as hereafter to read as follows:

Article 2838. All regularly licensed or ordained ministers of the gospel, Jewish rabbis, judges of the district and county courts, and all justices of the peace of the several counties are authorized to celebrate the rites of matrimony between all persons legally authorized to marry.

Sec. 2. Whereas there is no law in this State authorizing Jewish rabbis

to perform the marriage ceremony, creates an emergency that this law take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same; and passed the house by a vote of 78 yeas, 3 nays.]

Approved, March 29, 1889.

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INSURANCE.

Sec. 1. Amends Revised Statutes, Article 2916, as to capital stock of insurance companies.

2. Emergency clause.

CHAP. 14.—[S. B. No. 99.] An Act to amend Article 2916, Title 53, Chapter 1, of the Revised Statutes.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 2916, Title 53, Chapter 1, of the Revised Statutes, be amended as follows:

Art. 2916. The capital stock of a company shall consist:

1. In the lawful money of the United States; or
2. In the bonds of this state or any county or incorporated town or city thereof, or the stock of any national bank; or
3. In first mortgages upon unincumbered real estate in this state the title to which is valid and the market value of which is double the amount loaned thereon, exclusive of buildings, unless such buildings are insured in some responsible company and the policy, or policies, transferred to the company taking such mortgage.

Sec. 2. Whereas the near approach of the end of the present session creates an emergency and imperative public necessity authorizing the suspension of the constitutional rule, and it is so suspended.

[Note.—The foregoing act originated in the senate, and passed the same on February 26, 1889; and passed the house on April 6, 1889.]

Approved, April 8, 1889.

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LANDLORD AND TENANT.

Sec. 1. Amends Revised Statutes, Article 3122a, as amended by Act April 22, 1879, relating to landlord's liens.

CHAP. 15.—[S. S. B. No. 42.] An Act to amend Article 3122a, of the Revised Civil Statutes of the State of Texas, in relation to landlords and tenants, as amended by the Sixteenth Legislature, page 128, approved April 22, 1879.

Be it enacted by the Legislature of the State of Texas: That Article 3122a of the Revised Civil Statutes of the State of Texas be so amended as hereafter read as follows:

Article 3122a. All persons leasing or renting any residence, store house, or other building, shall have a preference lien upon all the property of the tenant in such residence, store house, or other building, for the payment of the rents due and that may become due: Provided, The lien for rents to become due shall not continue or be enforced for a longer period than the current contract year, it being intended by the term "current contract year" to embrace a period of twelve months, reckoning from the beginning of the lease or rental contract, whether the same be in the first or any other year of such lease or rental contract. Such lien shall continue and be in force so long as the tenant shall occupy the rented premises, and for one month



thereafter; but this article shall not be construed as in any manner repealing or affecting any act exempting property from forced sale: Provided, That the provisions of this act shall not apply to nor in any manner affect any existing contracts for rent, nor to any action or suit now pending upon any such contract.

Approved, March 28, 1880.

### MILITIA.

#### Sec.

1. Amends Revised Statutes, Articles 3293, 3294, 3295, 3304, 3306, 3307, 3308, 3318, 3327, 3329.

#### Sec.

2. Repeals Revised Statutes, Articles 3319, 3320, 3321, 3322, 3323, 3324, 3325, 3326.

3. Emergency clause.

CHAP. 16.—[H. B. No. 515.] An Act to amend Article 3249, of Chapter 2, and Articles 3293, 3294, 3295, 3304, 3306, 3307, 3308, 3318, 3327, and 3329, of Chapter 4 (Militia Law), Revised Statutes of the State of Texas, and to repeal Articles 3319, 3320, 3321, 3322, 3323, 3324, 3325, and 3326, Chapter 4, of said Militia Law.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 3249, of Chapter 2, and Articles 3293, 3294, 3295, 3304, 3306, 3307, 3308, 3318, 3327, and 3329, of Chapter 4, Revised Statutes of Texas, shall be amended to read as follows:

Article 3249. Section 1. The adjutant-general shall have the rank of brigadier-general; and in the corps of adjutant-general there shall be to each division one assistant adjutant-general with the rank of lieutenant-colonel, and to each brigade one assistant adjutant-general with rank of major.

Section 2. In the inspector-general's department there shall be one assistant inspector-general with the rank of colonel, and to each division one assistant inspector-general with the rank of lieutenant-colonel, and to each brigade one assistant inspector general with rank of major.

Section 3. In the quartermaster's corps there shall be an assistant quartermaster-general with the rank of colonel, and to each division a quartermaster with rank of major, and to each brigade a quartermaster with rank of captain.

Section 4. The bureau of military justice shall consist of one judge-advocate-general with rank of colonel, and one assistant judge-advocate-general with rank of major to each division.

Section 5. The state health officer shall be ex officio surgeon-general, and shall have the rank of colonel. In the medical corps there shall be to each division a medical director with the rank of lieutenant-colonel, and to each brigade a surgeon with the rank of major.

Section 6. The adjutant-general shall be appointed by the commander-in-chief, by and with the advice and consent of the senate, if in session, and all other staff officers of the general staff shall be appointed by the commander-in-chief, and shall constitute a permanent staff department as in the United States Army: Provided, That all staff officers now holding commissions shall hold their present rank until the commander-in-chief shall otherwise direct.

Section 7. The staff of the commander-in-chief shall consist of the adjutant-general, the judge-advocate-general, the senior assistant inspector-general, and senior assistant quartermaster-general, and six aides-de-camp each, with the rank of lieutenant-colonel, to be appointed by him.

Article 3293. Volunteer guards shall be constituted by voluntary enlistment for a period not less than three years on the part of persons held to military duty under the laws of the state, or of persons that may be exempt under such laws.

Article 3294. Any number of persons not less than forty nor more than

one hundred, of good moral character, desiring to form a company of volunteer guards, may meet and declare such purpose, and after obtaining consent from the governor may perfect their organization by electing their company officers in accordance with the provisions of this chapter. And it shall not be lawful for any body of men whatsoever, other than the regularly organized volunteer guard, to associate themselves together as a military company or organization, or to parade in public with arms in any part of the state, without the license of the governor therefor.

Article 3295. Each company of volunteer guards shall elect one captain, one first lieutenant, and one second lieutenant, and each troop or battery such officers as the regulations shall specify or the commander-in-chief shall direct; and the commanding officer shall appoint five sergeants and four corporals, and the commanding officer of each troop or battery shall appoint such numbers of sergeants and corporals as may be specified in the regulations or the commander-in-chief may direct.

Article 3304. The Texas volunteer guard in time of peace shall consist of one major-general, two brigadier-generals, an adjutant-general's department, an inspector-general's department, a quartermaster's department, a subsistence department, an ordnance department, a medical department, a pay department, a bureau of military justice, and such organizations of artillery, cavalry, and infantry as the commander-in-chief may direct, not to exceed three thousand men rank and file including all departments of the volunteer guard, and which shall be organized into battalions, regiments, brigades, and divisions of suitable size, and changed from time to time as the commander-in-chief may deem for the best interests of the service.

Article 3306. Each regiment shall consist of not more than ten companies and a regimental band, and shall have a colonel, a lieutenant-colonel, and a major, all of whom shall be appointed and commissioned by the governor upon the recommendation of the line officers of the regiment. Each colonel shall appoint for his regiment an adjutant and a quartermaster with the rank of first lieutenant, and an assistant surgeon and a chaplain with the rank of captain of infantry. He shall appoint a sergeant-major, quartermaster and commissary sergeant, a hospital steward, and a drum-major.

Article 3307. Each brigade shall consist of not more than five regiments, and shall be under the command of a brigadier-general, to be appointed by the commander-in-chief, and each division shall consist of not more than three brigades, and shall be under the command of a major-general, to be appointed by the commander-in-chief.

Article 3308. Each major-general shall have four aides-de-camp with the rank of captain, to be appointed by him; and each brigadier-general shall have two aides-de-camp with the rank of captain, to be appointed by him. In addition thereto each major-general and each brigadier-general may appoint a quartermaster and commissary sergeant, a hospital steward, and a clerk.

Article 3318. It shall be the duty of the adjutant-general and the judge-advocate-general to prepare and submit to the commander-in-chief for his approval a code of regulations, not inconsistent with law, for the government and regulation of the volunteer guard as will increase its discipline and efficiency, which shall provide for the examination of certain military officers; shall define and regulate the punishment for military offenses; and shall provide for the regulation of courts-martial and courts of inquiry; which code upon its approval shall form part of this law and be distributed to the various organizations, and shall take the place of and annul all company, troop, and battery constitutions and by-laws, except as may be allowed by the code.

Articles 3327. For breaches of discipline, misconduct, or any other military offenses not herein provided for, non-commissioned officers, musicians, and privates may be tried by courts-martial convened by the battalion or regimental commander, and may be punished by suspension, dismissal, or dishonorable discharge from the service; such courts to consist of not less than three nor more than five commissioned officers, their findings to be subject to the approval of the officer ordering the court, and their proceedings governed by the United States Army Regulations relating to courts-martial.

Article 3329. The sentences of such courts shall not extend beyond suspension for a definite period, not to exceed twelve months, or dismissal from the service, and shall not be carried into effect without the approval of the commander-in-chief.

Sec. 2. Articles 3319, 3320, 3321, 3322, 3323, 3324, 3325, and 3326, Chapter 4 (Militia Law), Revised Statutes, are hereby repealed.

Sec. 3. Whereas there is in existence no law which sufficiently provides the manner by which the militia of the state shall be governed, and the lateness of the session creates an emergency and imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days, and the rule is suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 73 yeas, 11 nays; and passed the senate by a vote of 26 yeas, no nays.]

Approved, April 5, 1889.

#### COUNTY CONVICTS.

Sec. 1. Amends Revised Statutes, Article 3597, as to credit of county convicts for labor.

2. Emergency clause.

CHAP. 17.—[S. B. No. 200.] An Act to amend Article 3597 of the Revised Civil Statutes of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 3597 of the Revised Civil Statutes be amended so as hereafter to read as follows:

Article 3597. When a convict who has been committed to jail in default of payment of fine and costs is required to do manual labor he shall be credited upon such fine and costs at the rate of fifty cents for each day he may labor, and upon satisfaction of such fine and costs in full at said rate he shall be discharged: Provided, Such work shall be performed on public streets or roads, or on county poor farms. No convict under this act shall ever be required to work or be hired for more than one year.

Sec. 2. Whereas the interests of the state and of different counties create an imperative public necessity for the suspension of the constitutional rule which requires that all bills be read on three several days, said rule is therefore suspended, and an emergency exists that this act should take effect from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 23 yeas, no nays; and passed the house by a vote of 84 yeas, 2 nays.]

Approved, March 7, 1889.

PUBLIC EDUCATION.

- Sec. 1. Amends Section 17 of Act of February 6, 1884, relating to free schools.  
2. Emergency clause.

CHAP. 18.—[H. B. No. 605.] An Act to amend section 17 of an act to establish and maintain a system of public free schools for the state of Texas, and to repeal so much of Chapter 3, of Title 78, of the Revised Civil Statutes, as refer to public free schools outside of cities and towns assuming or having assumed control of their public schools, and all laws and parts of laws in conflict with this act passed by the special session of the Eighteenth Legislature, which was presented to the governor for his signature on the sixth day of February, 1884, and became a law without his approval.

Section 1. Be it enacted by the Legislature of the State of Texas: That section 17 of an act to establish and maintain a system of public free schools for the state of Texas, and to repeal so much of Chapter 3, of Title 78, of the Revised Civil Statutes of Texas, as refer to cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act passed at the special session of the Eighteenth Legislature, which was presented to the governor for his signature on the sixth day of February, 1884, and became a law without his approval, be amended so as to read as follows:

Section 17. The state superintendent shall require of county judges, county, city, and town superintendents, county and city treasurers and treasurers of school boards, and other school officers and teachers, such school reports relating to the school fund and other school affairs as he may deem proper for collecting information and advancing the interests of the public schools, and shall furnish to county, city, and town superintendents and other school officers and teachers, for the use of such officers and teachers, the necessary blanks and forms for making such reports and carrying out such instructions as may be required of them; and any county judge, or county, city, or town superintendent, assessor, treasurer, or teacher who shall fail to make such report within twenty days after the same shall have been required by the state superintendent to be filed, shall be deemed guilty of a misdemeanor, and shall, on conviction, be fined in any sum not less than twenty-five dollars nor more than five hundred dollars, the same to be paid, when collected, to the available school fund.

Sec. 2. The failure and negligence of school officers in submitting their reports to the department of education, and the near approach of the close of the present session of the legislature leaving only a few days for the consideration of this bill, and rendering it doubtful if it can be reached regularly on the calendar, create an emergency and a public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 50 yeas, 31 nays; and passed the senate by a vote of 21 yeas, 6 nays.]

Approved. April 8, 1889.

## PUBLIC EDUCATION.

Sec. 1. Amends Section 26, Act of Feb. 6, 1884, and repeals so much of Revised Statutes, Chapter 3, Title LXXVIII, as relates to public schools outside of cities, etc.

CHAP. 19.—[S. B. No. 20.] An Act to amend section 26 of an act entitled "An Act to establish and maintain a system of public free schools for the state of Texas, and to repeal so much of Chapter 3, Title 78, of the Revised Civil Statutes of Texas, as refer to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with said act.

Be it enacted by the Legislature of the State of Texas: That section 26 of an act presented to the governor of the state of Texas for approval on the sixth day of February, A. D. 1884, and which became a law without his signature, be amended so as to read hereafter as follows:

Section 26. The state treasurer shall receive and hold as a special deposit all moneys belonging to the available school fund and keep an account of the several sources from which they accrue. He shall open and keep an account with every county, city, or town in the state to which the board of education issues a certificate (showing them to be entitled to receive any portion of the available free school fund), wherein he shall credit each such county, city, or town with the amount apportioned to them by such certificate, and duplicates of all such certificates shall be furnished the state treasurer at the time the issuance thereof by the board of education. On the first day of each month after this bill becomes a law and goes into effect the state treasurer shall set apart to each county, city, or town such a portion of the available free school fund as has come into his hands during the preceding month, as is shown by the certificates held by them. to be due to each upon a pro rata distribution thereof. Said money so set apart shall not be used by the state treasurer for any purpose other than to pay the warrant drawn by the state comptroller upon presentation of such certificates. Whenever the treasurer of any such county, city or town shall present such warrant to the state treasurer for payment, he shall pay to him such an amount as has been set apart under the provisions of this act to such county, city, or town, and no more, and shall pay from time to time when demanded such sums of money as have been so set apart to the treasurer of such county, city, or town, taking his receipt therefor. The state treasurer shall also charge the various counties, cities, and towns in their respective accounts with the amount or amounts so paid, and shall also at the time of payment endorse upon the back of such warrant the amount paid, the date when paid, and sign the same officially. When the whole amount of such warrant has been paid, it shall be by such county, city, or town treasurer presenting it received in full and delivered to the state treasurer.

Approved, April 4, 1889.

## PRE-EMPTIONS.

Sec. 1. Repeals Revised Statutes, from Articles 3924 to 3936 inclusive.  
2. Emergency clause.

CHAP. 20.—[S. B. No. 25.] An act to repeal Chapter 8 and Articles Nos. 3924, 3925, 3926, 3927, 3928, 3929, 3930, 3931, 3932, 3933, 3934, 3935, and 3936, of title 79, of the Revised Statutes of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That all of Chapter 8, in Title 79, consisting of Articles Nos. 3924, 3925, 3926, 3927, 3928, 3929, 3930, 3931, 3932, 3933, 3934, 3935, and 3936, be and the same is hereby repealed.

Sec. 2. Whereas the remaining vacant public domain is being daily sold to the great detriment of the State, an imperative public necessity exists which requires that the constitutional rule requiring bills to be read on three several days should be suspended, and said rule is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 23 yeas, 5 nays; and passed the house by a vote of 72 yeas, 15 nays.]  
Approved March 7, 1889.

## RAILROADS.

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| <p>Sec.</p> <p>1. Amends Revised Statutes, Article 4101, as to incorporation of railroads.</p> <p>2. Amends Revised Statutes, Article 4278, as to forfeiture of charters for failure to construct.</p> | <p>Sec.</p> <p>3. Bill to take effect from date of passage.</p> <p>4. Suspends the rules.</p> |
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CHAP. 21.—[S. B. No. 336.] An Act to amend Article 4101, Title 84, Chapter 1, and Article 4278, Title 84, Chapter 13, of the Revised Civil Statutes of the State of Texas, providing for and regulating the incorporation of railroad companies.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 4101, Title 84, Chapter 1, of the Revised Civil Statutes of the State of Texas, providing for and regulating the incorporation of railroad companies, be and the same is hereby amended so as hereafter to read as follows:

Article 4101. The persons proposing to form a railroad corporation shall adopt and sign articles of incorporation, which shall contain:

1. The name of the proposed corporation.
2. The places from and to which it is intended to construct the proposed railroad, and the intermediate counties through which it is proposed to construct the same; Provided, however, That local suburban railways may be constructed for any distance less than ten miles from the corporate limits of any city or town, in addition to such mileage as they may have within the same, and in such case the general direction shall be given from the beginning point.
3. The place at which shall be established and maintained the principal business office of the proposed corporation.
4. The time of the commencement and the period of the continuation of the proposed corporation.
5. The amount of the capital stock of the corporation.
6. The name and places of residence of the several persons forming the association for incorporation.
7. The name of the members of the first board of directors, and in what officers or persons the government of the proposed corporation and the management of its affairs shall be vested.
8. The number and amount of shares in the capital stock of the proposed corporation.

Sec. 2. That Article 4278, Title 84, Chapter 13, of the Revised Civil Statutes of the State of Texas, be and the same is hereby amended so as hereafter to read as follows:

Article 4278. If any railroad corporation organized under this act shall not, within two years after its articles of association shall be filed and recorded as provided in the second section of this act, begin the construction of its

road, and construct, equip, and put in good running order at least ten miles of its proposed road; and if any such railroad corporation, after the first two years, shall fail to construct, equip, and put in good running order at least twenty additional miles of its road each and every succeeding year until the entire completion of its line, such corporation shall, in either of such cases, forfeit its corporate existence, and its powers shall cease as far as relates to that portion of said road then unfinished, and shall be incapable of resumption by any subsequent act of incorporation. The provisions of this article shall not apply to or in any manner affect railway companies incorporated for the construction and operation of urban, suburban, and belt railroads for a distance of less than ten miles, as provided in clause two of section one of this act: Provided, That all such companies shall, within twelve months from the date of their charter, complete a portion of their road and commence and continue the running of cars thereon.

Sec. 3. Whereas the speedy construction of suburban local railroads is demanded by the needs of the growing cities of this state; and whereas the general interests of the people will be promoted by such speedy construction; therefore an emergency exists for the passage of this act, to take effect immediately: therefore be it further enacted that this act shall take effect from and after the date of its passage.

Sec. 4. The near approach of the end of this session rendering it improbable that this bill can be read on three several days creates an imperative public necessity requiring the suspension of the constitutional rule requiring such reading, and said rule is hereby suspended.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 23 yeas, 2 nays; and passed the house by a four-fifths vote.]

Approved, April 8, 1889.

## RAILROADS.

Sec. 1. Adds Article 4205a to Chapter 8, Title 84, Revised Statutes, as to suits against.

2. Emergency clause.

CHAP. 22.—[H. B. No. 364.] An Act to amend Chapter 8, Title 84, of the Revised Civil Statutes of the State of Texas, by adding thereto Article 4205a.

Section 1. Be it enacted by the Legislature of the State of Texas: That Chapter 8, Title 84, of the Revised Civil Statutes of the State of Texas, be amended by adding thereto Article 4205a, which shall read as follows:

Article 4205a. When any railroad company is sued for any property occupied by it for railroad purposes or for damages thereto, the court in which such suit is pending may determine all matters in dispute between the parties, including the condemnation of the property, upon petition or cross bill asking such remedy by defendant, but the plea for condemnation shall be an admission of the plaintiff's title to such property.

Sec. 2. The near approach of the end of this session of the legislature creates an imperative public necessity that the rule requiring bills to be read on three several days be suspended, and it is so suspended.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 89 yeas, no nays; and passed the senate the sixteenth day of March, 1889.]

Approved, March 19, 1889.

RAILROADS.

Sec. 1. Amends Revised Statutes, Article 4338, as to connecting depots.

CHAP. 23.—[S. H. B. No. 59 and 302.] An Act to amend Article 4238 of the Revised Statutes of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That article 4238 of the Revised Statutes of the State of Texas be and the same is hereby so amended as hereafter to read as follows:

Article 4238. The point at which two railroads cross or intersect each other is declared to be a depot for the receipt of freight and passengers: Provided, That this act shall not apply to crossings or intersections in or adjacent to cities and towns where a union depot is established: and it shall be the duty of each and every railroad company at each of such crossings of its road with another railroad in this state not in or within five miles of any city or town where a union depot is established, or where it is impracticable to establish a union depot, where the character of the land and grade of the roads at such crossing will admit of the same, to erect, build, and maintain, either jointly with the railroad company whose road is so crossed, or separately by each railroad company, a depot or passenger house, with room or rooms sufficient to comfortably accommodate all passengers awaiting the arrival and departure of trains from such junction or railroad crossing; and each and every railroad company shall keep its depots or passenger houses in this state lighted and warmed and open to the ingress and egress of all passengers a reasonable time before the arrival and after the departure of all trains carrying passengers on such railroad, or both of such railroads, if at a crossing. Each and every railroad company which shall fail, neglect, or refuse to comply with any provision of this section shall, for each day of any such failure, neglect, or refusal after this act takes effect, forfeit and pay the sum of twenty-five dollars, which may be recovered by and in the name of the state of Texas, and it shall be the duty of the attorney-general, or the district or county attorney of the district or county in which said crossing or depot is situated, to sue, prosecute for, and recover the same.

Approved, April 8, 1889.

RAILROADS.

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| <p>Sec.</p> <p>1. As to rights of purchasers of roadbeds, etc., sold for debt.</p> | <p>Sec.</p> <p>2. Jurisdiction over companies availing of the provisions of this law.</p> <p>3. Emergency clause.</p> |
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CHAP. 24.—[S. H. B. No. 574.] An Act to amend Chapter 11, Title LXXXIV, of the Revised Civil Statutes of the State of Texas, so as to add thereto another article to be known as Article 4260a.

Section 1. Be it enacted by the Legislature of the State of Texas: That Chapter 11, Title LXXXIV, of the Revised Civil Statutes of the State of Texas, be amended by adding thereto the following article:

Article 4260a. That in case of any such sale heretofore or hereafter made of the roadbed, track, franchise, or chartered right of a railway company or any part thereof as mentioned in article 4260 above, the purchaser or purchasers thereof and their associates shall be entitled to form a corporation under chapter one of this title, for the purpose of acquiring, owning, maintaining, and operating the portion of the road so purchased as if such road or portion of the road were the road intended to be constructed by the corporation, and when such charter has been filed the said new corporation shall have



all the powers and privileges conferred by the laws of this state upon chartered railroads, including the power to construct and extend: Provided, That notwithstanding such incorporation the portion of the road so purchased shall be subject to the same liabilities, claims, and demands in the hands of the new corporation as in the hands of the purchaser or purchasers of the sold out corporation: Provided, That by such purchase and organization no rights shall be acquired under any former charter or law in conflict with the provisions of the present constitution in any respect, nor shall the main track of any railroad once constructed and operated be abandoned or removed.

Sec. 2. No railway company availing itself of any of the privileges herein provided shall claim to be under the jurisdiction of the federal courts by reason thereof, and any railway company which may avail itself of the said privileges which shall claim to be subject to the jurisdiction of the federal courts in pursuance of this act shall ipso facto forfeit its reorganization and be remanded to the same condition as it was prior to said reorganization.

Sec. 3. Whereas there is in existence no law which sufficiently provides the manner in which a railroad company sold out under decree of the court or otherwise may form a corporation for the purpose of acquiring, owning, and extending such sold out property, and the lateness of the session, create an emergency and imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days, and that this act shall take effect and be in force from and after its passage; therefore it so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 75 yeas, no nays; and passed the senate March 27, 1889.]

Approved, March 29, 1889.

#### RAILROAD COMPANIES.—RELIEF OF.

Sec. 1. For relief of railroad companies from forfeiture, under Article 4278, Revised Statutes.

2. Emergency clause.

CHAP. 25.—[S. H. B. No. 319.] An Act for the relief of railway companies chartered since January 1, 1887, which have failed or may fail to comply with Article 4278, Revised Statutes.

Section 1. Be it enacted by the Legislature of the State of Texas: That the time in which any railroad company is required to begin the construction of its road, and construct, equip, and put the same in good running order, as provided for in Article 4278 of the Revised Statutes of the State of Texas, is and the same shall be extended until the first day of January, A. D. 1891. And any railway company which shall have forfeited its corporate existence, rights, and powers, by reason of failure to comply with said article 4278 in less than sixty days prior to the passage of this act, shall have restored and preserved to it its corporate existence, and it shall have and enjoy all of the corporate franchises, property, rights, and powers held or acquired by it previous to any cause of forfeiture on account of such failure as aforesaid: Provided, The benefit of this act shall not extend to any road which was chartered prior to January first, 1887: Provided further, That this act shall not be construed to revive, restore, or extend in favor of any railroad company any contract or agreement of any kind or character between said railroad and any other person or persons, which contract or agreement has or would become void or invalid if this act were not passed.

Sec. 2. The fact that no good can result to the state from the forfeitures

provided against in this act, and that the public convenience will be promoted, and citizens in parts of the state having invested in railway enterprises saved from great loss unless the relief herein provided for be granted, create an emergency and an imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days, and demanding that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 88 yeas, 7 nays; and passed the senate by a vote of 21 yeas, 7 nays.]

Approved, January 26, 1889.

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## ROADS.

Sec. 1. Power of commissioners as to laying out and changing roads.

CHAP. 26.—[H. B. No. 42.] An Act to amend an act to amend Article 4360 of the Revised Statutes of Texas, Title 87, Chapter 1, approved February 2, 1884.

Section 1. Be it enacted by the Legislature of the State of Texas: That an act to amend Article 4360, Revised Statutes, of the General Laws of 1884, page 19, shall be so amended as to hereafter read as follows:

Article 4360. The commissioners courts of the several counties shall have full powers and it shall be their duty to order the laying out and opening of public roads when necessary, and to discontinue or alter any road whenever it shall be deemed expedient as hereinafter prescribed: Provided, That hereafter no public road shall be altered or changed except for the purpose of shortening the distance from the point of beginning to the point of destination, unless the court upon a full investigation of the proposed change find that the public interest will be better served by making the change. That said change shall be by unanimous consent of all the commissioners elected.

Approved, April 2, 1889.

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## ROADS.

Sec. 1. Amends Revised Statutes, Articles 4410 and 4413, and adds Article 4429a.

Article 4410—Duty of hands.

Article 4413—Power to call out hands.

Article 4429a—Dismissal of hands.

CHAP. 27.—[S. H. B. No. 179.] An Act entitled An Act to amend articles 4410, 4413, and to add Article 4429a, of the Revised Statutes of Texas, in relation to public roads.

Section 1. Be it enacted by the Legislature of the State of Texas: That Articles 4410 and 4413 of the Revised Statutes be so amended as to hereafter read as follows, and that Article 4429a be added.

Article 4410. It shall be the duty of each road hand to perform his duties as such in accordance with the directions of his overseer, and a day's work, within the meaning of this act, shall be eight hours efficient service when said service is voluntarily performed.

Article 4413. Overseers of roads shall have the power to call out all persons liable to work upon public roads at any time such overseer may deem it necessary, or when ordered by the commissioners court or other competent authority, and such hands may be called out in detail, or the whole force at any one time, as may be deemed best, or as they may be directed, for the better improvement of the public roads.

Article 4429a. Overseers shall dismiss from their road any hand or hands, whether working for themselves or as substitutes for others, who shall fail to do good and efficient work, or who shall hinder other hands from doing their work properly, or dismiss any hand who may be intoxicated, or who shall refuse to obey any reasonable order of the overseers; and the overseer shall proceed against such hand or hands so dismissed in the same manner as if they had refused to obey the summons to work upon the road.

Approved, April 2, 1889.

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## BRIDGES

Sec. 1. Amends Revised Statutes, Article 4434, as to bridging streams where dividing line of two counties, etc.

2. Emergency clause.

CHAP. 28.—[S. B. No. 102.] An Act to amend Article 4434, Title LXXXVII, Chapter 5, of the Revised Civil Statutes of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 4434, Title LXXXVII, Chapter 5, of the Revised Civil Statutes of the State of Texas, be so amended as to read hereafter as follows:

Article 4434. Whenever any stream is the division line between counties, or when two or more counties are jointly interested in bridges, it shall be lawful for the counties so divided or interested to jointly erect bridges over said dividing stream, upon such equitable terms as the commissioners court of each county interested may agree upon; and if the commissioners court of the counties so divided by such stream or interested in the construction of such bridge shall fail to agree upon the terms of construction of such bridge, or the place where such bridge shall be placed over such dividing stream, then it shall be lawful for either county to erect a bridge or bridges over such dividing stream, and for this purpose the county commissioners courts of either county shall have the same authority and power to issue the bonds of the county as is now conferred upon said courts for the purpose of buying and constructing bridges for public use within the county.

Sec. 2. Whereas there is now no law providing for the relief and remedy sought to be accomplished by this bill, creates an emergency and an imperative public necessity requiring a suspension of the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and that this act take effect and be in force from and after its passage.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 29 yeas, no nays; and passed the house by a vote of 80 yeas, 1 nay.]

Approved, March 6, 1889.

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## SUPERINTENDENT OF PUBLIC GROUNDS AND BUILDINGS.

Sec. 1. Amends Revised Statutes, Article 4466, increasing salary of superintendent.

CHAP. 29.—[S. B. No. 244.] An Act to amend Article 4466, Revised Civil Statutes of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 4466, of the Revised Civil Statutes of the State of Texas, be amended so as to hereafter read as follows:

Article 4466. The superintendent of public buildings shall receive an annual salary of not to exceed one thousand five hundred dollars.

Approved, March 29, 1890.

SHERIFFS.

Sec. 1. Amends Revised Statutes, Article 4520, limiting number of deputy sheriffs.

CHAP. 30.—[H. B. No. 396.] An Act to amend Article 4520, Title 91, Chapter 1. of the Revised Civil Code of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 4520, Chapter 1, Title 91, of the Revised Civil Code of the State of Texas, be so amended as to hereafter read as follows:

Article 4520. Sheriffs shall have power by writing to appoint one or more deputies for their respective counties, to continue in office during the pleasure of the sheriff, who shall have power and authority to perform all the acts and duties of the principals, and every person so appointed shall, before he enters upon the duties of his office, take and subscribe to the oath of office prescribed by the constitution, which shall be endorsed on his appointment, together with the certificate of the officer administering the same, and such appointment and oath shall be recorded in the office of the county clerk and deposited in said office: Provided, however, That the number of deputies appointed by the sheriff of any one county shall be limited to not exceeding three in the justice precinct in which is located the county site of such county; and a list of these appointments shall be posted up in a conspicuous place in the clerk's office so that all can see: Provided further, That no person shall be appointed a deputy sheriff who stands convicted for a felony, and an indictment for felony of any deputy sheriff appointed shall operate a revocation of his appointment as such deputy sheriff: Provided, That any sheriff may appoint one deputy in addition to the above enumerated for each justice precinct in addition to the precinct where the county site is situated; and all sheriffs having more deputies than are provided for in this act shall make the number of his deputies conform to the provisions of this act.

Whereas the near approach of the end of this session renders it improbable that this bill may be read on three several days, an emergency exists that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

[Note.—Vote not shown on original enrolled bill.]

Approved, April 6, 1899.

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STATISTICS AND HISTORY.

Sec. 1. Amends Revised Statutes, by adding Article 4544a, making it penal for officer to refuse to give data, etc.  
2. Emergency clause.

CHAP. 31.—[H. B. No. 208.] An Act to amend Chapter 3, Title 92, of the Revised Civil Statutes of the State of Texas, relating to certain duties of state or county officers, by adding thereto Article 4544a, providing a penalty for failure or refusal to perform such duties.

Section 1. Be it enacted by the Legislature of the State of Texas: That Chapter 3, Title 92, of the Revised Civil Statutes of the State of Texas, be amended as to hereafter read as follows:

Article 4544a. If any state or county officer shall fail or refuse to give such data, statistics, and information as herein provided, such state or county officer shall be guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than twenty-five nor more than one hundred dollars.

Sec. 2. The near approach of the close of the present session of the legislature, and the improbability of the passage of this act in the ordinary course of legislation, creates an imperative public necessity requiring that the rule

requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 78 yeas, no nays; and passed the senate by a vote 26 yeas, 1 nay.]

Approved, April 2, 1880.

## OCCUPATION TAXES.

Sec. 1. Herein as to taxable occupations, sports, and amusements.

CHAP. 32.—[H. B. No. 84.] An Act to amend Section 3 of an act entitled "An Act to amend Articles 4602, 4664, and 4665, Chapter One, Title Ninety-Five, of the Revised Civil Statutes, as amended March the 24th, 1881," approved May the 4th, 1882.

Section 1. Be it enacted by the Legislature of the State of Texas: That section 3 of an act entitled An Act to amend Articles 4602, 4664, and 4665, Chapter 1, Title 95, of the Revised Civil Statutes, as amended March 24th, 1881, approved May the 4th, 1882, shall hereafter read as follows:

Article 4665. That there shall be levied on and collected from every person, firm, company, or association of person pursuing any of the following named occupations an annual occupation tax, except when herein otherwise provided, on every such occupation or separate establishment, as follows:

From every merchant whose annual purchases amount to ten hundred thousand dollars, three hundred dollars; from every merchant whose annual purchases amount to seven hundred and fifty thousand dollars, two hundred and fifty dollars; from every merchant whose annual purchases amount to five hundred thousand dollars, two hundred dollars; from every merchant whose annual purchases amount to two hundred and fifty thousand dollars, one hundred and fifty dollars; from every merchant whose annual purchases amount to one hundred thousand dollars, one hundred and twenty-five dollars; from every merchant whose annual purchases amount to fifty thousand dollars, sixty dollars; from every merchant whose annual purchases amount to twenty-five thousand dollars, twenty-five dollars; from every merchant whose annual purchases amount to fifteen thousand dollars, twenty dollars; from every merchant whose annual purchases amount to ten thousand dollars, twelve dollars; from every merchant whose annual purchases amount to five thousand dollars, six dollars; from every merchant whose annual purchases amount to two thousand dollars or less, three dollars. A merchant in the meaning of this act is any person, firm, or association of persons engaged in buying and selling lumber and shingles, goods, wares, and merchandise of any kind whatever.

From every traveling person selling patent or other medicine, one hundred and seventy-five dollars; and no traveling person shall so sell until said tax is paid: Provided, That this tax shall not apply to commercial travelers, drummers, or salesmen making sales or soliciting trade for merchants engaged in selling drugs or medicines by wholesale.

From every fortune teller, one thousand dollars; from every clairvoyant or mesmerist who plies his or her vocation for money, fifty dollars for each and every county in which such vocation is carried on.

From every person, firm, or association of persons engaged in discounting and shaving paper, or engaged in business as money brokers or bankers, or dealers in stocks, securities, or bills of exchange, or in buying and selling bonds, state or county, warrants or other claims against the state, an annual tax of twenty-five dollars in a city or town of not more than two thousand inhabit-

ants; in a city or town of five thousand inhabitants and not less than two thousand, an annual tax of sixty dollars; in a city or town of ten thousand and not less than five thousand inhabitants, an annual tax of one hundred and twenty dollars; in a city or town of twenty thousand and not less than ten thousand inhabitants, an annual tax of one hundred and eighty dollars; in a city or town of more than twenty thousand inhabitants, an annual tax of two hundred and forty dollars.

From every operator or owner of any daguerrean, photograph, or other such like gallery, by whatever name called, if in any incorporated city or town of less than five thousand inhabitants, six dollars; if more than five thousand inhabitants, fourteen dollars; and if elsewhere, four dollars; and from every person soliciting work for any daguerrean, photograph, or such like gallery, or for persons engaged in the business of copying or enlarging pictures or photographs of any character, where such gallery is not situated in or such business is not in the county in which he solicits such work, seven dollars.

From every auctioneer doing business in a city of ten thousand inhabitants or more, an annual tax of forty dollars; from every auctioneer in a city or town of five thousand and not more than ten thousand inhabitants, twenty-five dollars; from every auctioneer in a city or town of two thousand inhabitants and not more than five thousand, ten dollars; from auctioneers in all other towns or villages, seven dollars.

From every keeper of a toll bridge, an annual tax of seven dollars.

From every person, firm, or association of persons following the occupation of ship brokers or ship agents, if in a city or town of ten thousand inhabitants or more, fifty dollars; if in a city or town of less than ten thousand inhabitants, ten dollars.

From every person, firm, or association of persons selling upon commission, an annual tax of seven dollars.

From every land agent there shall be collected an annual tax of five dollars. The term "land agent" shall be construed to mean any person, firm, or association of persons performing for compensation any of the following services: purchasing or selling real estate for others, purchasing or selling land certificates for others. But this term land agent shall not be so construed as to levy tax upon attorney in addition to the one hereinafter levied.

From every person practicing law, and from every conveyancer or other person drawing deeds or other legal instruments for pay, five dollars: Provided, That attorneys at law shall only pay county occupation tax in the county of his or their residence.

From every physician, surgeon, oculist, or medical or other specialist of any kind, traveling from place to place in the practice of his profession, an annual tax of fifty dollars in each county where he may practice his profession; from every dentist, five dollars.

From every person or firm keeping a shooting gallery at which a fee is paid or demanded, an annual tax of twenty-five dollars in each county.

From every person or firm keeping a knife, cane, or doll rack, or any other device upon which rings are pitched, or at which balls are thrown, an annual tax of one hundred dollars.

From every billiard, bagatelle, pigeon-hole, devil-among-the-tailors, or jenny-lind table, and pool table, or anything of the kind, used for profit, twenty dollars; and any such table used in connection with any drinking saloon or other place of business where intoxicating liquors, cigars, or other things of value are sold or given away, or upon which any money or any other thing of value is paid, shall be regarded as used for profit.

From every person, firm, or association of persons selling or offering for sale the Illustrated Police News, Police Gazette, Sporting World, or other illustrated publications of like character, the sum of five hundred dollars in each county in which sale may be made or offered to be made.

From any person or persons who shall sell pools on horse races or other contests, five dollars for each and every day they may so sell said pools.

For every nine or ten pin alley, or any other alley used for profit by whatever name called, constructed or operated upon the principle of a bowling alley, and upon which balls, rings, or other devices used as substitutes thereof are rolled, without regard to the number of pins used, or whether pins are used or not, or whether the balls, rings, or other devices are rolled by hand or with a cue or any other device, one thousand dollars. Any such alley used in connection with any drinking saloon or any drug store, or with any drug store where intoxicating liquors are sold or given away, or upon which any money or thing of value is paid, shall be regarded as used for profit.

From all persons keeping or using for profit any hobby horse or flying-jenny, or device of that character with or without name, sixteen dollars for each county wherein the same are kept or used.

From every foot peddler, five dollars in each county in which he peddles; for every peddler with one horse or one pair of oxen, the sum of fifteen dollars in each county where he peddles; for every peddler with two horses or two pair of oxen, thirty dollars in each county in which he may pursue such occupation; for every peddler with sail or other boat, in the streams or along the coast or bay of this state, thirty dollars in each county in which he may pursue such occupation: Provided, Any blind, deaf and dumb, or any wounded person who has lost a hand or a foot, shall not be required to pay any tax for peddling: Provided, Such persons shall not be exempt from said peddlers tax if in the employ of another person or persons; nothing herein contained shall be so construed as to include traveling vendors of tin or earthen ware: Provided further, That nothing herein contained shall be so construed as to include traveling vendors of literature exclusively religious in character, or traveling vendors of vegetable, poultry, or other country produce exclusively, fruit and fruit trees exclusively.

For every theater or dramatic representation from which pay for admission is demanded or received, two dollars for each day they may perform, or fifty dollars per quarter: Provided, That theatrical or dramatic representations given by performers for instruction only or entirely for charitable purposes shall not be herein included. For every circus where equestrian or acrobatic feats and performances are exhibited for which pay for admission is demanded or received, for each performance thereof fifty dollars, notwithstanding more than one such performance may take place daily; for every exhibition where acrobatic feats are performed for profit not connected with the circus, ten dollars for each performance; for every sleight-of-hand performance or exhibition of legerdemain, ten dollars; for every fight between man and man, or between men and bulls, or between dogs and bulls, or between bears and dogs, or between bulls and any other animals, or between dogs and dogs, five hundred dollars for each performance; for every cock pit, when kept for profit or upon which any money or thing of value is bet or paid, twenty-five dollars; for every menagerie, wax work, or exhibition of any kind where a separate fee for admission is demanded or received, ten dollars for every day on which fees for admissions are received: Provided, That exhibitions by associations organized for promotion of art, science, charity, or benevolence shall be exempt from taxation: Provided, That persons who form a museum composed entirely of the products of Texas shall have the right to exhibit

same for a fee without paying any occupation tax. For every concert where a fee for admission is demanded or received, two dollars: Provided, That entertainments when given by the citizens for charitable purposes or for the support or aid of literary or cemetery associations are exempt.

For every livery or feed stable, thirty cents for each stall and thirty cents for each hack, buggy, or other vehicle; for every hack, buggy, or other vehicle left for hire not connected with a livery, feed, or sale stable, two dollars; for every wagon yard used for profit, not connected with a livery stable, five dollars.

From every life insurance company doing business in this state, an annual tax of three hundred dollars, and in every county in which they may do business, ten dollars as county tax; from every fire, marine, health, live stock, guarantee, or accident insurance company doing business in this state, an annual tax of two hundred dollars, and in every county in which they may do business, seven dollars as county tax. The state tax due from insurance companies shall be paid by such companies to the comptroller of public accounts, whose receipts under seal shall be evidence of payment of state tax, and the county collector's receipt shall be authority to work in any county of this state for which such company has a receipt.

From every person, firm, or association or [of] persons dealing in lightning rods, an annual tax of thirty-six dollars to the state and eighteen dollars as county tax to the county in which such business is carried on; upon every person canvassing for the sale of lightning rods, an annual tax of one hundred dollars and fifty dollars as county tax in each county in which such canvassing is done.

From every person, firm, or association of persons following the occupation of cotton broker, cotton factor or commission merchant in a city of more than five thousand inhabitants, an annual tax of thirty-five dollars, and in all other cases an annual tax of eighteen dollars: Provided, That a merchant who pays an occupation tax as under section 3 of this act shall not be considered as a "cotton broker." From every pawn broker an annual tax of seventy-five dollars. From every cotton buyer and every buyer of wool, ten dollars: Provided, That a merchant who pays an occupation tax as herein prescribed shall not be considered a cotton buyer or buyer of wool.

From every person, firm, agency, or association of persons dealing in sewing machines, an annual tax of fifteen dollars to the state and seven dollars as county tax in every county where such business may be carried on: Provided, That a merchant who pays an occupation tax as required by this section shall not be required to pay this special tax to sell sewing machines.

From every person or firm who peddles out clocks or cooking stoves or ranges over the county, two hundred and fifty dollars for the state and one hundred dollars for each county in which they make a sale: Provided, That a merchant who pays an occupation tax as required by this section shall not be required to pay this special tax for selling clocks and cooking ranges or stoves.

From any person, firm, or association of persons doing an express business in this state an annual tax of one thousand dollars shall be levied and collected, this tax to be paid by such person, firm, or association of persons doing an express business to the comptroller of public accounts, whose receipt under seal shall be issued to the company or companies, certified copies of which shall be evidence of the payment of the state, county, and municipal occupation tax: Provided, That said express companies may be allowed to sell money orders without paying an additional tax, but said express companies shall not be allowed to charge a greater per cent as commissions than



postoffice money orders can be bought for: Provided further, That they shall not be required to sell any order for less than five (5) cents as a commission.

From every person, firm, or association of persons owning or running any palace, sleeping, or dining-room cars on any railroad in this state, there shall be collected an annual tax of fifty cents per mile for each and every mile of any and all railroads in this state over which such cars may run. The tax herein due shall be paid by such person, firm, or association of persons to the comptroller of public accounts, whose receipt under seal shall be issued to the person, company, or firm, certified copies of which shall be evidence of the payment of state tax: Provided, That nothing herein contained shall authorize the levy of any county or municipal tax upon such person, firm, or association of persons.

From every person, firm, or association of persons owning or running any railroad cars, steamboat, or stage coaches in this state, there shall be collected quarterly, on the first day of January, April, July, and October of each year, a tax of one per cent on steamboats and stage coaches and one per cent on railroads upon their gross receipts from all their passenger travel within this state. The said gross receipts to be returned under oath by said owner, agent, or manager, to the comptroller, and said tax to be collected by the comptroller under such regulations as he may prescribe: Provided, That nothing herein contained shall authorize the levy of any county or municipal tax upon such person, firm, or association of persons.

From every chartered telegraphic company doing business in this state, there shall be collected one cent for every full rate message sent by any person within this state to any person within this state, and one-half that for any message less than a full rate message so sent. This tax to be paid quarterly to the comptroller, on the sworn statement of the chief manager of said company or companies, or any other officer authorized by said company to make said statement, who shall keep a record of such messages; and the receipts of the comptroller, under seal, shall be issued to said company or companies, certified copies of which shall be evidence of the payment of the state tax: Provided, Railroad messages for running their trains and for company use shall not be taxed: Provided further, That nothing herein contained shall authorize the levy or collection of any county or municipal tax upon such chartered companies for messages sent and messages sent on official business by officers of the United States.

For each telephone company doing business in this state, an annual state tax of fifty dollars and five dollars to each county through which their lines may run.

From each gas company manufacturing gas in towns and cities of ten thousand or more inhabitants, thirty-five dollars; in towns and cities having less than ten thousand inhabitants, twenty dollars.

From each electric light company operating an electric light in a town or city of ten thousand inhabitants or more, thirty-five dollars annually; and in a town or city of less than ten thousand inhabitants, an annual tax of twenty dollars.

From every person, firm, or association of persons loaning money as agent or agents for any corporation, firm, or association, either in this state or out of it, an annual occupation tax of one hundred dollars for the State for the principal office and a county tax of ten dollars from each agent for each county in which he may do business, and no additional occupation tax shall be levied by any county, city, or town in the state.

From each and every person, party, partnership, or corporation engaged in the business of enquiring into and reporting upon the credit or standing

of persons engaged in business in this State, or acting as agent or business manager in this State for any such person, party, partnerships, or corporation, two hundred and fifty dollars: And provided further, That no county, city, or town shall levy or collect any occupation tax upon or from any such person, party, partnership, joint stock association, or corporation. The payment of this tax, evidenced by the receipt of the comptroller of public accounts, shall exempt the company or party paying the same from the payment of this tax in any other county; and payment of such tax shall not be required of any sub-agent or correspondent of the party or company carrying on such business in this state.

From each skating rink, twenty-five dollars.

When the comptroller furnishes collectors with blank occupation tax receipts, he shall furnish the commissioners courts with the numbers and value of the receipts furnished to their respective collectors, and such courts shall charge their respective collectors with the number and such proportion of the value of the receipt so furnished as shall apply to the county tax when such collectors shall make their settlements with the comptroller. The comptroller shall furnish the commissioners courts with the numbers and value of the receipts used, and with the numbers and value of the receipts returned, and with the amount of the occupation taxes collected by their respective collectors.

Whereas the collectors of taxes are now required to settle their accounts with the state by April 30, and in order that they may comply with such requirement it is necessary that the occupation tax year should begin May 1, therefore an emergency and a public necessity exists that this take effect and be in force from and after May 1st, 1889, and it is so enacted.

[Note.—Original enrolled bill does not show vote.]

Approved, April 6, 1889.

## TAXATION.

- Sec. 1. Amends Act of April 2, 1887, which adds Article 4676a to Revised Statutes, concerning assessment of live stock.
2. Emergency clause.

CHAP. 33.—[S. B. No. 22.] An Act to amend an act entitled "An Act to amend Chapter 2, Title 96, of the Revised Civil Statutes of the State of Texas, by adding thereto Article 4676a, providing for the assessment of live stock in pastures in the several counties in which such pastures are situated."

Section 1. Be it enacted by the Legislature of the State of Texas: That an act to amend Chapter 2, Title 96, of the Revised Civil Statutes of the State of Texas, be amended by adding thereto Article 4676a, which shall read as follows:

Article 4676a. All persons, companies, and corporations owning pastures in this state which lie on county boundaries shall be required to list for assessment all live stock of every kind owned by them in said pastures in the several counties in which such pastures are situated, listing in each county such portion of said stock as the land in such county is of the whole pasture. All persons, companies, and corporations owning any kind of live stock in pastures not their own shall list said live stock in the several counties in which such pastures are situated in the same manner; and in both cases the tax upon such live stock shall be paid to the tax collectors of the several counties in which such live stock is listed and assessed.

Sec. 2. Whereas the assessors of taxes throughout the state for the

present year are now engaged in or are about to commence the assessment of property in the various counties of the state; therefore an emergency exists and an imperative public necessity that the rule requiring that bills be read on three several days be suspended and that this act shall take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 25 yeas, no nays; and passed the house by a vote of 89 yeas, 4 nays.]  
Approved, February 13, 1889.

## TAXATION.

Sec. 1. Amends Revised Statutes, Articles 4742, 4743, adds 4743a.

Article 4742—Herein as to collectors reports.

Article 4743—Herein as to examination of such reports by commissioners court.

Article 4743a—Herein as to requiring collectors to pay to treasurer.

2. Emergency clause.

CHAP. 34.—[H. B. No. 390.] An Act to amend Articles 4742 and 4743 of the Revised Statutes of the State of Texas, and to add thereto another article to be known as Article 4743a.

Section 1. Be it enacted by the Legislature of the State of Texas: That Articles 4742 and 4743 of the Revised Statutes of the State of Texas be so amended, and that Article 4743a be added thereto, so that hereafter the same shall read as follows:

Article 4742. At the end of each quarter the collector of taxes shall, on forms to be furnished him by the comptroller of public accounts, make a report under oath to the comptroller of all taxes collected by him for the state every three months. The first report shall include the months of October, November, and December; the second shall include the months of January, February, and March; the third shall include the months of April, May, and June; and the fourth shall include the months of July, August, and September, of each year; and he shall make like reports to the commissioners court of all taxes collected for the county. He shall file such reports, together with the tax receipt stubs and a true copy of his report to the comptroller, in the office of the county clerk. At the time of filing such reports the collector of taxes shall pay any balance in his hands due the county to the county treasurer, and remit any balance due the state to the state treasurer. The county clerk shall, within five days, examine the said reports and stubs, and if the reports and stubs agree in every particular as regards names, dates, and amounts, he, the clerk, shall certify to their correctness; but if they do not agree in any particular, he shall so certify. He, the clerk, shall then forward the report intended for the comptroller, with his certificate thereon, to such officer, and file the true copy thereof with the tax receipt stubs and the report intended for the commissioners court in his office.

Article 4743. It shall be the duty of the commissioners court, at its next regular session after the filing of any report provided for in the foregoing article, to examine such reports and compare the same with the tax rolls and tax receipt stubs and with the receipts and vouchers accompanying the same, and the collector of taxes shall appear before said commissioners court at such regular terms, and make a full statement of all taxes and money, both of the county and state, collected by him during the three months covered by such report. If any mistake is discovered in any such report, the commissioners court shall correct the same. If the collector of taxes is found to be still due the state or county for taxes collected during such quarter, he shall immedi-

ately pay to the county treasurer the amount due the county, and file a proper receipt therefor with the county clerk, and remit to the state treasurer the amount due the state, and file with such clerk a voucher showing that he has done so. When such reports are found to be correct, and the tax collector has paid to the county and state treasurer the full amount due the state and county respectively, the commissioners court shall enter an order approving said reports, with the order approving the same shall be recorded in the minutes as other proceedings of said court.

Article 4743a. If any collector of taxes shall have failed to pay over to the county treasurer the amount due by him to the county, or remit to the state treasurer the amount due the state, before the next term of the commissioners court after the filing of his reports as provided in the foregoing article, or shall, during such term, fail or refuse to pay or remit the same and file proper vouchers therefor as provided in said article, the commissioners court shall not approve his reports, but such court shall ascertain the amount due by him both to the county and state, and enter an order requiring him to pay the same to the proper treasurer, as is provided in Article 4760a, Section 2, of the Revised Statutes, and notify such collector to account as is provided for in Article 4760a, Section 3.

Sec. 2. The fact that there is now no adequate law providing for settlement with tax collectors, and the near approach of the end of the session, creates an emergency, and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days be suspended and this act take effect from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 79 yeas, no nays; and passed the senate by a vote of 23 yeas, no nays.]  
Approved, April 3, 1889.

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#### TAXATION.

Sec. 1. Amends Revised Statutes, by adding Article 4759d, relating to redemption of land erroneously sold for taxes and purchased by State.  
Emergency clause.

CHAP. 35.—[H. B. No. 3.] An Act to amend Article 4759, Chapter 4, Title 95, of the Revised Civil Statutes of the state of Texas, by adding thereto a new article to be styled Article 4759d.

Whereas many deeds to land are imperfect in that they do not give the abstract numbers or the original headright surveys correctly; and whereas many real estate owners have heretofore rendered and paid taxes upon their lands in this state under an incorrect abstract number or headright survey, or as unknown, the result of said erroneous rendition of lands for taxes being that in many instances the true headright surveys have been sold to the state for taxes when in fact the taxes due on said lands had previous to such tax sale been paid in full by the owners thereof: Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 4759, Chapter 4, Title 95, of the Revised Civil Statutes of the State of Texas, be amended by adding thereto a new article to be styled Article 4759d, to read as follows, to wit:

Article 4759d. The commissioners courts of the several counties in this state shall at the regular terms of said courts sit as a court of inquiry in cases where land has been erroneously rendered for taxes; and any land owner

whose land has been or may be sold to the state for taxes may appear before said court in person or by proxy and show to the satisfaction of a majority of said court that the taxes for which his or her lands has been sold have been paid, although the same was rendered in an incorrect abstract number or survey or original grantee; thereupon said commissioners court shall issue to the said land owner a certificate setting forth fully said facts, which certificate shall be signed officially by the county judge of said county; and upon the presentation of said certificate to the comptroller of public accounts he shall execute and deliver to said land owner a valid deed relinquishing all the right, title, and interest the state may have acquired in and to said land by reason of such tax sale.

Whereas many deeds to land are imperfect in that they do not give abstract numbers, and many tracts have been erroneously sold for taxes, and the law provides no method for correcting such mistakes, therefore an emergency exists which requires that the constitutional rule requiring that bills be read on three several occasions be suspended and that this act take effect from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 81 yeas, no nays; and passed the senate by a vote of 25 yeas, no nays.]

Approved, February 23, 1889.

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#### WEIGHTS AND MEASURES.

Sec. 1. Commissioner of agriculture, etc., authorized to sell.  
Emergency clause.

CHAP. 36.—[H. B. No. 500.] An Act to authorize the commissioner of agriculture, insurance, statistics, and history to sell certain weights and measures.

Section 1. Be it enacted by the Legislature of the State of Texas: That the commissioner of agriculture, insurance, statistics, and history is hereby authorized to sell sets or parts of sets of standard weights and measures heretofore manufactured in accordance with Article 4850, Revised Statutes, at the present cost of manufacturing.

Whereas the session is near its close, therefore public necessity authorizes the constitutional rule requiring bills to be read on three several days, said rule is suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a four-fifth vote; and passed the senate by a vote of 25 yeas, no nays.]

Approved, April 6, 1889.

## PART II.

### Amendments to Penal Code.

#### UNLAWFULLY CARRYING ARMS.

Sec. 1. Amends an act to amend Article 318 of Penal Code—Changes the penalty for violation thereof.

CHAP. 37.—[S. B. No. 3.] An Act to amend an act entitled "An Act to amend Article 318, Chapter 4, Title 9, of the Penal Code of the State of Texas," passed by the Twentieth Legislature, and approved February 24, 1887.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 318 of the Penal Code shall be and the same is hereby amended so as to hereafter read as follows:

Article 318. If any person in this state shall carry on or about his person, saddle, or in his saddle-bags, any pistol, dirk, dagger, slung-shot, sword-cane, spear, or knuckles made of any metal or any hard substance, bowie-knife, or any other knife manufactured or sold for purposes of offense or defense, he shall be punished by fine of not less than twenty-five nor more than two hundred dollars, or by imprisonment in the county jail not less than ten nor more than thirty days, or both by such fine and imprisonment; and during the time of such imprisonment such offender may be put to work upon any public work in the county in which said offense is committed.

Approved, January 30, 1889.

#### DISORDERLY HOUSES.

Sec. 1. Amends Article 339, Chapter 83, Act of March 29, 1887, and Penal Code, Article 341.

Article 339. Defines "disorderly house."

Article 341. Penalty for keeping or knowingly permitting such house to be kept, etc.

Article 341a. Penalty for owner, lessee, etc., of theatres, etc., where liquors are sold, employing prostitutes, etc.

Article 341b. Enjoins extraordinary diligence on sheriffs, judges, etc.

CHAP. 38.—[S. B. No. 120.] An Act to amend Article 339, Chapter 83, of the General Laws of Texas, approved March 29, 1887, and Article 341, Chapter 4, Title 10, of the Penal Code of the State of Texas, and by adding thereto Articles 341a and 341b.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 339, Chapter 83, of the General Laws of Texas, approved March 29, 1887, and Article 341, Chapter 4, Title X, of the Penal Code of the State of Texas, be so amended as to hereafter read as follows, and by adding thereto Articles 341a and 341b:

Article 339. A disorderly house is one kept for prostitution, or where prostitutes are permitted to resort or reside for the purpose of plying their vocation, or any theatre, play house, or house where spirituous, vinous, or malt liquors are kept for sale, and prostitutes, lewd women, or women of bad reputation for chastity are employed, kept in service, or permitted to display or conduct themselves in a lewd, lascivious, or indecent manner, or to which persons resort for the purpose of smoking or in any manner using opium.

Article 341. Any owner, lessee, or tenant who shall keep, or be concerned in keeping, or knowingly permit the keeping of a disorderly house in any house, building, edifice, or tenement owned, leased, or occupied by him, shall be deemed guilty of keeping, or being concerned in keeping, or knowingly permitting to be kept, as the case may be, a disorderly house, and shall be punished by a fine of two hundred dollars for each day he shall keep, be con-

cerned in keeping, or knowingly permit to be kept such disorderly house. Any owner having information that his house is being kept, used or occupied as a disorderly house shall be held guilty of knowingly permitting his house to be kept as a disorderly house under this act, unless he shall immediately proceed to prevent the keeping, using, or occupying of such house for such purpose by giving such information to the county or district attorney against such lessee, tenant, or occupant for violation of this act, or take such other action as may reasonably accomplish such result.

Article 341a. Every owner, lessee, tenant, or manager of any theatre, dance house, play house, or house where spirituous, vinous, or malt liquors are kept for sale, who shall knowingly employ or have in service in any capacity in such theatre, play house, or house where spirituous, vinous, or malt liquors are kept for sale, any prostitute, lewd women, or woman of bad reputation for chastity, or who shall permit any prostitute, lewd woman, or woman of bad reputation for chastity to display or conduct herself therein in a lewd, lascivious or indecent manner, shall be deemed guilty of keeping a disorderly house, and shall be punished by a fine not less than one hundred dollars nor more than five hundred dollars. Each day that such person is kept in service or employed or permitted to display or conduct themselves as hereinbefore provided, shall be deemed a separate offense.

Article 341b. Sheriffs and their deputies, constables and their deputies, mayors, marshals, chiefs of police, their deputies and assistants, and policemen of towns and cities are especially charged diligently to discover and report to the proper legal authorities, and by all lawful means to aid in the enforcement of the law for all violations of the articles of this chapter; the district judges are required to give them specially in charge to the grand juries, and grand juries are required at every term of the district court of their county to call before them each and all officers charged with the enforcement of the articles of this chapter and examine them under oath touching their knowledge and information of violations thereof, and as to their diligence in their enforcement.

Approved, April 4, 1889.

#### OFFENSES RELATING TO THE PROTECTION OF FISH, BIRDS, AND GAME.

Sec. 1. Article 430. Counties exempt from Articles 426, 426½, 427, 428, 429, and 423, 424, 425.

Article 430a. As to taking oysters for planting.

2. Emergency clause.

CHAP. 39.—[H. B. No. 410.] An Act to amend an act passed at the Regular Session of the Twentieth Legislature and approved April 2, 1887, entitled "An Act to amend Article 430 of Section 1 and to repeal Section 2 of an act entitled An Act to amend Articles 423, 424, 425, 426, 427, 428, 429, 430a, and to create Article 426½, and to repeal Article 430, of Chapter 5, Title 13, of the Penal Code of the Revised Statutes, for the protection of fish and game," approved March 15, 1881.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 430 of Section 1 of an act entitled "An Act to amend Articles 423, 424, 425, 426, 427, 428, 429, and 430a, and to create Article 426½, and to repeal Article 430, of Chapter 5, Title 13, of the Penal Code of the Revised Statutes, for the protection of fish and game," approved March 15, 1881, be so amended as to read as follows:

Article 430. That the following counties are hereby exempted from the provisions of Articles 426, 426½, 427, 428, and 429, of this chapter, to wit: Nacogdoches, Hood, Bosque, Somervell, Sabine, San Augustine, Shelby, Titus, Franklin, Hunt, Rockwall, Hopkins, Montgomery, Brazos, Rains, Williamson, Wood, Coryell, Hamilton, Brown, Mills, Comanche, Runnels, Cooke, Wise, Montague,

Madison, Leon, Clay, Parker, Jack, and the unorganized counties attached to the same for judicial purposes; Ellis, Anderson, Freestone, Cherokee, Stephens, Eastland, Erath, Comanche, Palo Pinto, Polk, Guadalupe, Throckmorton, Shackelford, Callahan, Taylor, Jones, Nolan, Mitchell, Haskell, Stonewall, Kent, Garza, Lynn, Terry, Yoakum, Gaines, Dawson, Borden, Scurry, Fisher Howard Martin, Andrews, Archer, Wichita, Baylor, Wheeler, Oldham, Knox, King, Dickson, [Dickens,] Crosby, Wilbarger, Childress, Lubbock, Hockley, Cochran, Bailey, Lamb, Lamar, Hale, Floyd, Motley, Cottle, Hall, Briscoe, Swisher, Castro, Parmer, Greer, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Gray, Carson, Potter, Hutchinson, Hartley, Moore, Roberts, Hemphill, Lipscomb, Ochiltree, Hansford, Sherman, Hardeman, Dallam, Smith, Upshur, Cass, San Jacinto, Camp, Dimmit, Maverick, Kinney, Cameron, Jackson, Robertson, Kaufman, and the unorganized county of Zavala: Provided, That the exemption from the operation of this law shall not apply to Article 425: And provided, That the counties of Grimes, Angelina, Van Zandt, Walker, Trinity, Parker, Jack, Young, and Bell are hereby exempted from Articles 425, 426, 426½, 427, 428, and 429 of this act: And provided, That the county of Houston is hereby exempted from the provisions of Articles 426, 426½, 427, 428, and 429 of this act: And provided, That the counties of Fannin, Delta, and Hopkins are hereby exempted from the provisions of Articles 426 and 426½: And provided, That the counties of Lee and Fayette are exempted from the provision of Articles 426 and 429: And provided, That the counties of Bastrop, Frio, and Brazoria are hereby exempted from the provisions of Article 429: And provided, That the counties of Gonzales, Karnes, Atascosa, [and] Morris are hereby exempted from the provisions of Articles 426, 426½, 427, and 428: And provided, That the counties of Bowie and Rusk are hereby exempted from the provisions of Articles 427, 428, and 429: And provided further, That the counties of Titus, Franklin, Rains, and Wood shall be exempted from the provisions of Article 423; and the counties of Waller, Tyler, Jasper, and Newton shall be exempted from the provisions of Article 426: Provided further, That the counties of Burnet and Lampasas are hereby exempt from the game and fish laws of this state: Provided, That the county of Karnes shall be exempted from the provisions of Articles 423, 424, 425, and 426.

Article 430a. That persons may take oysters from their beds within the prohibited time for the purpose of planting.

Sec. [2]. The fact that the provisions of the game law are now in force in certain counties herein exempted from the operations of the game law, creates an emergency and imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 86 yeas, no nays; and passed the senate by a vote of 23 yeas, no nays.] Approved, April 4, 1889.

## MALICIOUS MISCHIEF.

Sec. 1. Amends Penal Code, Article 683, by adding Article 683b, for protection of moving trains.

CHAP. 40.—[H. B. No. 33.] An Act to amend Article 683, Chapter 3, Title 17, of the Penal Code of the State of Texas, relating to "Malicious Mischief," and providing a penalty therefor by adding thereto Article 683b.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 683 of the Penal Code of the State of Texas read as follows, to wit:



Article 683. If any person shall wilfully and mischievously injure or destroy any growing fruit, corn, grain, or other like agricultural products, or if any person shall wilfully or mischievously injure or destroy any real or personal property of and description whatever, in such manner as that the injury does not come within the description of any of the offenses against property otherwise provided for by this code, he shall be punished by fine not exceeding one thousand dollars: Provided, That when the value of the property injured is fifty dollars or less, then in that event he shall be punished by fine not exceeding two hundred dollars.

Article 683b. That any person who shall wilfully or maliciously throw a stone or other missile or fire a gun or pistol at or into any coach or passenger car of a moving railway train, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum of not less than twenty-five dollars and not more than one thousand dollars.

Approved, March 22, 1889.

#### OFFENSES AGAINST PROPERTY.

Sec. 1. Amends Chapter 15, Title 17, of Penal Code—adding

Article 772a. Imposing penalty on inspector or deputy failing to examine and inspect hides, etc.

Article 772b. Imposing penalty on inspector for failure to keep book and record statement, etc.

Article 772c. As to certificate by inspector.

Article 772d. Return of certified copies to county clerk.

CHAP. 41.—[H. B. No. 336.] An Act to amend Chapter 15, of Title 17, of the Penal Code of the State of Texas, by the addition of Articles 772a, 772b, 772c, 772d.

Section 1. Be it enacted by the Legislature of the State of Texas: That Chapter 15, of Title 17, of the Penal Code of the State of Texas, be amended by the addition of the following articles:

Article 772a. If any inspector or deputy inspector of hides and animals shall knowingly fail or refuse to faithfully examine and inspect all hides or animals known or reported to him as sold, or as leaving or going out of the county for sale or shipment, and all animals driven or sold in his district for slaughter, packeries, or butcheries, shall be fined not less than twenty-five dollars nor more than two hundred dollars.

Article 772b. Any inspector of hides and animals who shall fail to provide and keep a well bound book and record therein a correct statement, showing the number, ages, and marks and brands of each animal inspected by him or by his deputy or deputies, and the number and all the marks and brands of all hides inspected by him or by his deputy or deputies, and whether the hides are dry or green, and the name or names of the vendor or vendors and of the purchaser or purchasers of said animals or hides, shall be fined not less than fifty dollars nor more than three hundred dollars.

Article 772c. Any inspector or deputy inspector of hides and animals who shall fail to correctly state in his certificate of inspection or in his certificate of acknowledgment all the marks and brands of all animals and hides inspected by him, shall be fined not less than twenty-five dollars nor more than three hundred dollars.

Article 772d. Any inspector of hides and animals who shall fail to return a certified copy of all entries made in his record during each month to the clerk of the county court of his county on the last day of each month, shall be fined not less than fifty nor more than three hundred dollars.

Approved, April 4, 1889.

## PART III.

### Amendments to Code of Criminal Procedure.

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#### VENUE IN CRIMINAL ACTIONS.

- Sec. 1. Amends Code of Criminal Procedure, adding Articles 216a, 216b.  
Article 216a. Property stolen in one county and removed to another; accomplices and accessories; prosecuted, where.  
Article 216b. Offense of receiving and concealing stolen property; prosecuted, where.

CHAP. 42.—[H. B. No. 280.] An Act to create Articles 216a and 216b, of Title 4, Chapter 2, of the Code of Criminal Procedure of the State of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That Title 4, Chapter 2, of an act entitled An Act to adopt and establish a Code of Criminal Procedure for the State of Texas, passed February 21, 1879, be so amended as to hereafter read as follows:

Article 216a. Accomplices and accessories to the crime of theft may be prosecuted in any county where the theft was committed, or in any other county through or into which the property may be carried by either the principal, accomplice, or accessory to the offense.

Article 216b. The offense of receiving and concealing stolen property may be prosecuted in the county where the theft was committed, or in any other county through or into which the property may have been carried by the person stealing the same, or in any county where the same may have been received or concealed by the offender.

Approved, April 4, 1889.

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#### EVIDENCE IN CRIMINAL ACTIONS.

- Sec. 1. Authorizes defendants to testify in criminal actions.  
2. Emergency clause.

CHAP. 43.—[H. B. No. 445.] An Act to repeal Exception four (4) to Article 730, Chapter 7, Title 8, of the Code of Criminal Procedure of the State of Texas, in relation to persons competent to testify in criminal actions, and to permit the defendant in a criminal action to testify in his own behalf.

Section 1. Be it enacted by the Legislature of the State of Texas: That Exception four (4) to Article 730, Chapter 7, Title 8, of the Code of Criminal Procedure of the State of Texas, be and the same is hereby repealed, and that hereafter any defendant in a criminal action shall be permitted to testify in his own behalf therein, but the failure of any defendant to so testify shall not be taken as a circumstance against him, nor shall the same be alluded to or commented on by counsel in the cause: Provided, That where there are two or more persons jointly charged or indicted, and a severance is had, the privilege of testifying shall be extended only to the person on trial.

Sec. 2. Whereas the law as it now exists prohibits defendants in criminal actions from testifying therein, thereby often suppressing a knowledge of all the facts in the cause, therefore an imperative public necessity and emergency exists requiring that the constitutional rule which requires all

bills to be read on three several days be suspended, and that this act take effect from its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 87 yeas, 6 nays; and passed the senate by a vote of 19 yeas, 8 nays.]

Approved, April 4, 1889.

#### COSTS PAID BY THE STATE.

- Sec. 1. Article 1054. Sheriff's fees in felony cases.  
2. Emergency clause.

CHAP. 44.—[S. B. No. 374.] An Act to amend "An Act to amend Article 1054, Chapter 2, Title 15, of the Code of Criminal Procedure, as amended by an act of the Twentieth Legislature," approved April 7, 1887.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 1054, Chapter 2, Title 15, of the Code of Criminal Procedure, as amended by an act of the Twentieth Legislature, approved April 7, 1887, be so amended as to hereafter read as follows:

Article 1054. To the sheriff or constable shall be allowed the following fees: In all cases of felony, where the defendant has been brought to trial, whether he be convicted or acquitted, or when the case is disposed of by nolle prosequi or judgment of dismissal: Provided, however, That the fees provided for in this article under subdivision 8 shall be due and payable when the account shall be allowed and approved as therein provided.

1. For executing each warrant of arrest or capias, or for making arrest without warrant, when authorized by law, the sum of one dollar, and five cents for each mile actually and necessarily traveled going and returning in executing the same.

2. For summoning or attaching each witness, fifty cents.

3. For summoning jury in each case, where jury is actually sworn in the case and defendant tried or case disposed of, two dollars.

4. For executing death warrants, fifty dollars.

5. For removing a prisoner, for each mile going and coming, including guards and all other expenses, when traveling by railroad, fifteen cents, when traveling otherwise than by railroad, twenty-five cents: Provided, That where more than one prisoner is removed at the same time, in addition to the foregoing he shall only be allowed ten cents a mile for each additional prisoner: Provided further, That where an officer goes beyond the limits of the state after a fugitive on requisition of the governor, he shall receive such compensation as the governor shall allow for such service.

6. For each mile the officer may be compelled to travel in executing criminal process, summoning or attaching witnesses, five cents: Provided, That in no case shall he be allowed to duplicate his mileage when two or more witnesses are named in the same or different writs in any case, and he shall serve process on them in the same vicinity or neighborhood, or during the same trip he shall not charge mileage for serving each witness to and from the county seat, but shall only charge one mileage and for such additional miles only as are actually and necessarily traveled in summoning or attaching each additional witness. Where process is sent by mail to an officer away from the county seat, or returned by mail by such officer, he shall only be allowed to charge mileage for the miles actually traveled by him in executing such process, and the return of the officer shall show the character of

the service and the miles actually traveled in accordance with this sub-division, and his accounts shall show the facts in detail.

7. To officers for service of criminal process not otherwise provided for, the sum of five cents a mile going and returning shall be allowed: Provided, If two or more persons are mentioned in the same or different writs, the rule prescribed in sub-division six shall apply.

8. For conveying a witness attached by him to any courts out of his county, or when directed by the judge from any other county to the court where the case is pending, two dollars and fifty cents per day for each day actually and necessarily consumed in going to and returning from such court and his actual necessary expenses by the nearest practicable route, or nearest practicable public conveyance, the amount to be stated by him in an account, which shall show the place at which the witness was attached, the distance to nearest railroad station, and miles actually traveled to reach the court; if horses or vehicles were used, from whom hired and price paid and length of time consumed, and amount paid out for feeding horses and to whom; if meals and lodging were provided, from whom and where and what price paid: Provided, That officers shall not be entitled to receive exceeding fifty cents per meal and thirty-five cents per night for lodging for any witness. Said account shall also show, before said officers shall be entitled to compensation for expenses of attached witnesses, that the witness was called upon by him to give bond, and was offered by him an opportunity to give bond to appear before the proper court, and was unable or refused so to do. And the officer shall also present to the court the affidavit of the witness to same effect, or shall show that the witness refused to make the affidavit, and should it appear to the court that the witness was able and willing to give bond the sheriff shall not be entitled to any compensation for conveying such witness; and said accounts shall be sworn to by the officer before an officer authorized to administer oaths, and shall state that said account is true, just, and correct in every particular, and present same to the judge, who shall during such term of court carefully examine such account, and if found to be correct, in whole or in part, shall so certify and allow the same for such an amount as he may find to be correct; and if by him allowed, in whole or in part, he shall so certify; and such account, with the affidavit of the sheriff and certificate of the judge, shall be recorded by the clerk of the district court, in a book to be kept by him for that purpose, which shall constitute a part of the minutes or proceedings of the court, and the clerk shall certify to the original account and shall show that same has been so recorded, and said account shall then become due, and same shall constitute a voucher on which the comptroller is authorized to issue a warrant, and such minutes of the court or a certified copy thereof, may be used in evidence against the officer making the affidavit for perjury in case said affidavit shall be wilfully false. Where the officer receiving a writ for the attachment of such witnesses shall take a bond for the appearance of any such witness, he shall be entitled to receive from the state one dollar for each bond so taken, but he shall be responsible to the court issuing said writ that said bond is in proper form and has been executed by the witness, with one or more good and solvent securities, and said bond shall in no case be less than one hundred dollars: Provided, Comptroller may require from such officer a certified copy of all such process before auditing any account.

9. All laws in conflict with this article are hereby repealed.

Sec. 2. The near approach of the close of the present session of the legislature, and the fact the changes made in the law by the amendments proposed in this act are of the utmost importance and public good, creates an

emergency, and an imperative public necessity exists requiring the suspension of the constitutional rule requiring bills to be read on three several days be suspended, and said rule is so suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 25 yeas, 2 nays; and passed the house by a vote of 78 yeas, no nays.]

Approved, April 4, 1889.

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#### COSTS PAID BY THE STATE.

Sec. 1. Amends Code of Criminal Procedure, Article 1056, as amended April 12, 1883.

Article 1056. Fees of district clerk in felony cases.

2. Emergency clause.

CHAP. 45.—[S. B. No. 375.] An Act to amend Article 1056, Chapter 2, Title 15, of the Code of Criminal Procedure, as amended by an act of the Eighteenth Legislature, approved April 12, 1883.

Section 1. Be it enacted by the Legislature of the State of Texas: That Article 1056, Chapter 2, Title 15, of the Code of Criminal Procedure of the State of Texas, as amended by an act of the Eighteenth Legislature, approved April 12, 1883, be so amended as to hereafter read as follows:

Article 1056. The clerk of the district court shall receive for each felony case tried in such court by jury, whether the defendant be convicted or acquitted, the sum of ten dollars. For each transcript on appeal or change of venue, ten cents for each one hundred words. For each felony case finally disposed of without trial, or dismissed, or nolle prosequi entered, ten dollars. For recording each account of sheriffs, as provided for in Article 1054, Code of Criminal Procedure, the sum of fifty cents.

Sec. 2. The near approach of the close of the present session of the legislature renders it doubtful if this bill can be reached on its regular call on the calendar, and the importance of the changes herein proposed are of such importance as to create an emergency, and an imperative public necessity exists requiring the suspension of the constitutional rule requiring bills to be read on three several days be suspended, and said rule is so suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 25 yeas, 2 nays; and passed the house by a vote of 75 yeas, 1 nay.]

Approved, April 6, 1889.

## PART IV.

### Amendments to Laws.

#### WILSON COUNTY—COUNTY COURT.

Sec.

1. Exclusive original jurisdiction of civil cases in county court of said county.
2. Appellate jurisdiction thereof.
3. Jurisdiction to grant writs of mandamus, sequestration, etc.
4. Jurisdiction in forfeiture of bonds, etc.

Sec.

5. Exclusive original criminal jurisdiction.
6. Jurisdiction of district court of said county conformed.
7. Terms of county court prescribed.
8. Probate jurisdiction of county court.
9. Repealing clause.
10. Emergency clause.

CHAP. 46.—[S. B. No. 303.] An act to restore to and to confer upon the county court of Wilson County the civil and criminal jurisdiction heretofore belonging to said court under the constitution and general statutes of the state, to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with this act.

Section 1. Be it enacted by the Legislature of the State of Texas: That the county court of Wilson County shall hereafter have exclusive original jurisdiction in civil cases where the matter in controversy shall exceed in value two hundred dollars and shall not exceed five hundred dollars, exclusive of interest, and shall have concurrent jurisdiction with the district court of said county when the matter in controversy shall exceed five hundred dollars and not exceed one thousand dollars.

Sec. 2. Said county court shall have appellate jurisdiction in civil cases over which justices courts have original jurisdiction when the judgment of the court appealed from or the amount in controversy shall exceed twenty dollars, and said county court shall have power to hear and determine cases brought up from the justices courts by certiorari under the provisions of the title of the Revised Civil Statutes relating thereto.

Sec. 3. The county judge in said county shall have authority, either in term time or in vacation, to grant writs [of] mandamus, injunction, sequestration, garnishment, attachment, certiorari, supersedeas, and all other writs necessary to the enforcement of the jurisdiction of said court, and shall also have power to issue writs of habeas corpus in all cases in which the constitution has not exclusively conferred to [the] power on the district court or judge thereof.

Sec. 4. Said county court shall have jurisdiction in the forfeiture and judgment of all bonds and recognizance taken in criminal cases of which criminal cases said court has jurisdiction.

Sec. 5. Said county court shall have exclusive original jurisdiction of all misdemeanors, except misdemeanors involving official misconduct, and except cases in which the highest penalty of fine that may be imposed under the law may not exceed two hundred dollars, and said courts shall have also appellate jurisdiction in criminal cases of which justices of the peace and other inferior tribunals of said counties have original jurisdiction.

Sec. 6. The district court of Wilson County shall no longer have jurisdiction in cases in which the county court of said county by the provisions of this act have exclusive original or appellate jurisdiction, and it shall be the duty of the clerk of the district court of said county, within thirty days from the passage of this act, to make a full and complete transcript of all orders on its dockets in cases now pending before said district court of which cases by the terms of this act exclusive jurisdiction is given to the county court, and to deliver said transcripts, together with the original papers and certified bill

of costs, to the clerk of said county court, and said county clerk shall enter said case or cases on their dockets for trial by said county courts.

Sec. 7. The county court of said county shall hereafter hold its regular term for civil or criminal business as provided in the constitution and general laws of the state, and process heretofore issued from the district court of said county in cases to be transferred under this act to the county court shall be returnable to the first term of the county court, and all civil cases transferred shall be entered as appearance cases upon the docket of said county court.

Sec. 8. The county court of said Wilson County shall have as now the general jurisdiction of probate courts for the probate of wills, appointment of guardians of minors, idiots, and lunatics, persons non compos mentis, and common drunkards, and for the issuance of letters testamentary and administration, settlement of accounts of administrators and guardians, and the settlement and distribution of decedents' estates, and the apprenticeship of minors and all other necessary powers conferred by law on courts of probate.

Sec. 9. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed, and that this act take effect and be in force from and after its passage, and it is so enacted.

Sec. 10. The great necessity for this law creates an imperative public necessity and emergency requires the constitutional rule that bills be read on three several days in each house be suspended, and the same is therefore suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 27 yeas, no nays; and passed the house by a vote of 79 yeas, no nays.]

Approved, March 16, 1869.

#### COUNTY BOUNDARIES.

Sec. 1. Repealing clause.

2. Amends Section 8, of Act April 22, 1879, relating to ascertainment of county boundaries.

3. Emergency clause.

CHAP. 47.—[H. B. No. 512.] An Act to repeal an act to amend Section 8 of "An Act establishing and prescribing the manner of ascertaining the boundaries of counties," approved March 18, 1885, and to re-enact Section 8 of an act establishing and prescribing the manner of ascertaining the boundaries of counties, approved April 22, 1879.

Section 1. Be it enacted by the Legislature of the State of Texas: That an act to amend section 8 of "An Act establishing and prescribing the manner of ascertaining the boundaries of counties," approved March 18, 1885, be and the same is hereby repealed.

Sec. 2. That said section 8 of "An Act establishing and prescribing the manner of ascertaining the boundaries of counties," approved April 22, A. D. 1879, be and the same is hereby re-enacted, to read as follows:

Section 8. That should the surveyors above provided for fail to agree as to the true boundary line between their respective counties, the facts of such disagreement, with a full statement of the questions at issue between them, shall be by them reported to the commissioner of the general land office, whose duty it shall be to examine the disputed matter at once, and from such data as the maps and archives of his office furnish shall designate to such surveyors the line to be run, stating at what specific point they shall begin and to what specific point they shall run, adhering as nearly as possible to the line designated in the act creating such county line, which instruc-

tion shall be authority for said surveyors to run such line, and the line so run as above directed shall thereafter be the true dividing line between said counties.

Sec. 3. The near approach of the close of this session creates a necessity for the suspension of the constitutional rule requiring this bill to be read on three several days, and the same is therefore suspended.

[Note.—The foregoing act originated in the house, and passed the same by a four-fifth vote; and passed the senate March 30, 1889.]

Approved, April 2, 1889.

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#### PENSIONS.

Sec. 1. Amends Sections 1 and 2, Act of 1885.

§ [2]. Emergency clause.

CHAP. 48.—[S. S. B. No. 58.] An Act to amend Sections 1 and 2, of an act entitled An Act to provide annual pensions for the surviving indigent soldiers or indigent volunteers of the Texas Revolution, and the indigent surviving signers of the Declaration of Independence, and the indigent surviving widows of such soldiers, volunteers, or signers, and to repeal all laws and parts of laws in conflict therewith, passed by the Nineteenth Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas: That Sections 1 and 2 of the above recited act be so amended as to hereafter read as follows:

[Section 1.] That to every surviving indigent soldier or indigent volunteer who was in the actual military or naval service of Texas at the time of the siege of Bexar, in December, 1835, or at the time of the battle of San Jacinto, in April, 1836, or who actually participated in any battle in Texas in 1836, or who was in such actual military service for as much as six weeks between the commencement of the revolution at Gonzales in 1835 and the first day of January, 1837, and to every indigent surviving signer of the Declaration of the Independence of Texas, and to every indigent surviving widow of any such soldier, volunteer, or signer, who is and has always been unmarried since the death of such soldier, volunteer or signer, and so long as such widow may remain unmarried, there shall be and is hereby granted an annual pension of one hundred and fifty dollars as hereinafter provided.

Section 2. Each applicant for a pension under this act shall make application in writing for the same to the county judge of the county of his or her residence, and shall post a copy of such application on the court house door of the county for at least thirty days before the application is acted on by the county judge. Such application shall state the name, age, and residence of the applicant, whether or not this applicant received any pension or veteran donation land certificate under any previous law, a list of the real and personal property owned by the applicant and the present value of the same, and what property and the value thereof that such applicant has sold or conveyed within twelve months prior to the date of such application; and shall further state that the applicant is in indigent circumstances, and is dependent upon his or her labor or on the charity of others for a support: Provided, That the word "indigent," within the meaning of this act, shall not allow the ownership of property to exceed one thousand dollars; and that the applicant has not transferred to others any property or values of any kind for the purpose of becoming a beneficiary under this act; and still further, that such applicant is and was for one year preceding the date of the passage of this act a bona fide resident citizen of this state. And in addition to the foregoing, each male



applicant shall further state the time he rendered such service and the command he served in; and each female applicant shall state the name of her deceased husband, the date of his death, that she is unmarried and has so remained since the death of the husband for whose services she claims a pension; and shall further state, as accurately as she can, the time her said deceased husband rendered such service and the command he served in. Should the applicant be a signer of such declaration of independence, or a widow of such signer, he or she shall state all that is hereinbefore required, except as to the military service, and in lieu of which it shall state that the applicant was a signer of such declaration of independence, or is the widow of such signer, which application shall be subscribed and sworn to by the applicant, and the same shall be supported by affidavits of at least two credible witnesses who reside in the state, and shall show that the facts stated by the applicant is known and regarded in his or her neighborhood as a Texas veteran or signer of the declaration of independence, or the widow of a Texas veteran or signer of the declaration of independence. Any veteran whose application and proof heretofore made to the comptroller are in compliance with the requirements of this act shall be entitled to his or her pension on presenting such application and proof to the comptroller, without further proof being made; and where such application and proof has been returned to the applicant by the comptroller, said applicant may re-file the same as if made under this act: Providing, That such application has not heretofore been declared fraudulent.

Sec. 3 [2]. As the applicants and beneficiaries under the provisions are aged and many of them in immediate need of aid in supplying the necessities of life, an immediate necessity and emergency exists that this act take effect and be in force from and after its passage.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 22 yeas, 2 nays; and passed the house by a vote of 58 yeas, 29 nays.]

Approved, April 4, 1889.

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#### BREWSTER, JEFF DAVIS, BUCHEL, AND FOLEY COUNTIES—BOUNDARIES OF.

- Sec. 1. Defines boundaries of said counties.  
2. Emergency clause.

[CHAP. 49.—[H. S. S. B. No. 191.] An Act to amend Section 1, Chapter 4, of an act entitled An Act to create the county of Brewster, and provide for its organization, approved February 2, 1887; and also to amend Section 1, Chapter 38, of an act entitled An Act to create the counties of Buchel, Foley, and Jeff Davis out of the county of Presidio, approved March 15, 1887; and to more particularly define, fix, and establish the boundary lines of said counties.

Section 1. Be it enacted by the Legislature of the State of Texas: That the boundary lines of Brewster, Jeff Davis, Buchel, and Foley counties are hereby established and defined as follows:

A. The county of Brewster is bounded as follows: Beginning at the southeast corner of survey No. 36, certificate No. 3376, G. C. and S. F. Ry. Co.; thence south to the Rio Grande; thence down the Rio Grande to the southeast corner of survey No. 36, certificate No. 1906, block No. 16, G. H. & S. A. Ry. Co.; thence north to the Pecos County line; thence northwest along the Pecos County line to a point due north of Leoncita Springs; thence in a southwest direction to the place of beginning.

B. The county of Jeff Davis is bounded as follows: Beginning at the northwest corner of Brewster County, the southeast corner of survey No. 36,

certificate No. 3376, G. C. & S. F. Ry. Co.; thence northwest to the northeast corner of survey No. 54, certificate No. 7174, T. & P. Ry. Co., block No. 1; thence west to the northeast corner of survey No. 117, certificate No. 7175, H. & T. C. Ry. Co., block No. 4; thence north to the southeast corner of survey No. 127, certificate No. 7176, H. & T. C. Ry. Co., block No. 4; thence west to the southeast corner of El Paso County, on the Rio Grande; thence north along the east line of El Paso County to the corner of El Paso and Reeves counties; thence in a southeast direction along the former north boundary line of Presidio County to the northeast corner of Brewster County; thence along the north boundary line of Brewster County in a westwardly course to the place of beginning.

C. Buchel county is bounded as follows: Beginning at the northeast corner of Brewster County on the Presidio and Pecos County line; thence south with the east line of Brewster County sixty miles; thence east to the Rio Grande; thence down said river with its meanders to the Pecos County line; thence in a northwesterly direction along said Pecos County line to the place of beginning.

D. The county of Foley is bounded as follows: Beginning at the southeast corner of Brewster County on the Rio Grande; thence north along the east line of Brewster County to the southwest corner of Buchel County; thence east along the south line of said Buchel County to the Rio Grande; thence up the Rio Grande with its meanders to the place of beginning.

Sec. 2. Whereas in the creation of the counties of Brewster and Jeff Davis, and fixing their boundaries, they were placed within less than twelve miles of Marfa, the county seat of Presidio County, the county from which they were taken, this creates a doubt as to their constitutionality; therefore an imperative necessity is created, and an emergency exists for the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is suspended, it is so enacted, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 81 yeas, no nays; and passed the senate by a vote of 27 yeas, no nays.]  
Approved, March 27, 1889.

## FENCES.

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| <p>Sec.<br/>1. Unlawful for owner of party fence to remove except as herein provided.</p> | <p>Sec.<br/>2. Notice of intention to remove.<br/>3. Notice requiring removal.</p> |
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CHAP. 50.—[H. B. No. 516.] An Act to amend An Act to provide for the separation or partition of adjoining fences, and to provide a penalty for the violations of the provisions of this act, passed by the Twentieth Legislature of the State of Texas, approved March 17, 1887.

Section 1. Be it enacted by the Legislature of the State of Texas: That an act entitled An Act to provide for the separation or partition of adjoining fences, and to prescribe a penalty for the violation of the provisions of the same, passed by the Twentieth Legislature and approved March 17, 1887, be so amended as to hereafter read as follows:

Section 1. That hereafter it shall be unlawful for any person who is a joint owner of any separating or dividing fence, or who is in any manner interested in any fence attached to or connected with any fence owned or controlled by any other person, to remove the same except by mutual consent or as hereinafter provided.

Section 2. Any person who is the owner or part owner of any fences connected with or adjoined to any fences owned in part or in whole by any other person, shall have the right to withdraw or separate his fence or part of fence from the fence of any other person or persons in this state; that such person who desires to withdraw or separate such fence from the fence of any other person shall give notice in writing to such person, his agent, attorney, or lessee, of his intention to separate or withdraw his fence or part thereof for at least six months prior to the time of such intended withdrawal or separation. Any person failing to comply with the provisions of this section shall be fined in any sum not less than two dollars nor more than fifty dollars, and every ten days shall constitute a separate offense for the violation of this act.

Section 3. That any person who is the owner of any fence wholly upon his own land to which the fence of another is adjoined or connected in any manner, may require the owner of any such fence to disconnect and withdraw the same back on his own land by first giving notice in writing for at least six months to such person, his agent, attorney, or lessee, to disconnect and withdraw his fence back on his own land. That any person who shall negligently or wilfully fail to disconnect his fence and remove the same back upon his own land after the expiration of said notice, shall be fined in any sum not less than ten nor more than fifty dollars, and each ten days failure after such notice shall constitute a separate offense for the violation of the provisions of this act.

Sec. 4 [2]. Whereas an early adjournment of this session renders it impossible for bills to be read on three several days, therefore an emergency exists and an imperative public necessity demands that the rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 80 yeas, no nays; and passed the senate by a vote of 23 yeas, 5 nays.]

Approved, April 6, 1889.

#### STOCK LAWS.

##### Sec.

1. Counties exempted from operations of Section 46 of recited act.
2. Certain counties placed under operation of the stock laws.

##### Sec.

3. Certain counties exempt from the stock laws.
4. Emergency clause.

CHAP. 51.—[H. B. No. 36.] An Act to amend Section 46, Chapter 25, of the Acts of 1885, entitled An Act to amend Chapter 79 of the Acts of 1883, entitled An Act to amend Chapter 48 of the Acts of 1887, An Act to amend Section 46 of an act to encourage stockraising and to protect stockraisers, approved April 22, 1879, and amended April 4, 1881, and April 12, 1880, and March 27, 1887.

Section 1. Be it enacted by the Legislature of the State of Texas: That Section 46 of the above recited act shall hereafter read as follows: The counties of Anderson, Austin, Angelina, Bell, Bowie, Brazos, Bastrop, Bosque, Burleson, Brazoria, Caldwell, Camp, Calhoun, Cass, Chambers, Cherokee, Collin, Colorado, Cooke, Dallas, Delta, Denton, Ellis, Erath, Fannin, Franklin, Falls, Freestone, Gonzales, Eastland, Stephens, Fayette, Fort Bend, Galveston, Goliad, Grayson, Gregg, Grimes, Hardin, Harrison, Hays, Henderson, Hill, Hood, Hunt, Hopkins, Houston, Jackson, Jasper, Jefferson, Johnson, Kaufman, Lamar, Lee, Leon, Lampasas, McLennan, Madison, Marion, Montgomery, Montague, Morris, Nacogdoches, Newton, Orange, Panola, Parker, Polk, Palo Pinto, Rains, Red River, Robertson, Rockwall,

Rusk, Sabine, San Augustine, San Jacinto, Shackelford, Shelby, Smith, Tarrant, Titus, Trinity, Tyler, Upshur, Van Zandt, Walker, Washington, Wharton, Wise, Wood, Jack, Harris, Chambers, Clay, Young, Wheeler, Lavaca, Nueces, Bee, Refugio, Limestone, San Patricio, Somervell, Matagorda, Victoria, Milam, Live Oak, Williamson, Brewster, Cameron, El Paso, Encinal, Duval, Clay, Presidio, Webb, Mills, Liberty, and Travis County, to take effect after the next general election, are hereby exempt from the operations of this act, and that the provisions of the same shall in no wise relate or apply to the aforesaid counties: Provided, That in those counties bordering on the line of the state, except those bordering on Red River and the Rio Grande and the counties of Nueces and Cameron, whether organized or unorganized, the governor shall appoint an inspector whose duty it shall be to inspect under the provisions of this act all stock about to be driven or shipped out of the state. Where there is a depot or place for the shipment of cattle, no inspector of hides and animals shall be elected, but one for each of such counties, except the counties of Nueces and Cameron, shall be appointed by the governor and confirmed by the senate, who shall hold office for two years and until his successor shall be appointed and confirmed; said inspector so appointed to take the constitutional oath of office and give the bond now required of inspectors of hides and animals, and such inspector shall receive the same fees now allowed to inspectors of hides and animals, and perform the same duties; Provided, That such cattle shall not be subject to inspection on board of any railroad unless the same have been placed on board of such train for the purpose of evading the provisions of this act: And provided further, That the counties of Limestone, Fayette, Lavaca, Gonzales, Colorado, Bell, Calhoun, Cameron, Duval, Encinal, Webb, Zapata, Starr, Hidalgo, Hays, Guadalupe, Caldwell, Blanco, Llano, Kendall, Comal, Houston, Austin, Jackson, Victoria, Freestone, Hamilton, Williamson, Milam, Live Oak, Harris, Bosque, Erath, Hood, Somervell, Liberty, and Fannin counties shall be exempt from all laws regulating inspection of hides.

Sec. 2. That the counties of Wichita, Wilbarger, Hardeman, Childress, Donley, Armstrong, Carson, Potter, Oldham, Hartley, Dallam, Gray, Hemphill, Roberts, Lipscomb, Callahan, Taylor, Nolan, Mitchell, Howard, Martin, and Karnes be placed under the operations of the inspection laws now in force and which may be in force under the provisions of this act.

Sec. 3. That the counties of Jones, Fisher, Scurry, Borden, Dawson, Grimes, Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Haskell, Throckmorton, Baylor, Knox, King, Dickens, Crosby, Lubbock, Hockley, Cochran, Bailey, Lamb, Hall, Floyd, Motley, Cottle, Hale, Briscoe, Swisher, Castro, Parmer, Deaf Smith, Randall, Ochiltree, Hansford, Hutchinson, Moore, Sherman, Harris, Glasscock, and Liberty are hereby exempt from the operation of the stock law.

Sec. 4. The great necessity for this law creates an imperative public necessity and emergency requiring the constitutional rule that bills be read on three several days in each house be suspended, and the same is therefore suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house and passed the same March 25, 1889; and passed the senate March 25, 1889.]

Approved, March 29, 1889.

## VENUE.

Sec. 1. Venue of suits for damages for suing out writs of attachment, etc.

CHAP. 52.—[S. B. No. 53.] An Act to amend an act entitled "An Act to provide for the venue of suits for damages growing out of attachment and sequestration suits," approved March 25, 1887.

Section 1. Be it enacted by the Legislature of the State of Texas: That Chapter 69, of the Acts of the Twentieth Legislature of the State of Texas, approved March 25, 1887, be so amended as to hereafter read as follows: That any suit for damages growing out of the suing out of any writ of attachment or sequestration, or for the levy of any such writ, may be brought in any county from which such writ was issued, or in any county where such levy was made, in whole or in part, within this state.

Approved, March 29, 1889.

## COUNTY COURTS—GREER AND DONLEY COUNTIES.

Sec.

1. Restores civil and criminal jurisdiction to county courts in Greer and Donley.

Sec.

2. Repealing clause.  
3. Emergency clause.

CHAP. 53.—[H. B. No. 342.] An Act to restore the jurisdiction of the county courts of the counties of Greer and Donley, and to repeal all laws in conflict therewith.

Section 1. Be it enacted by the Legislature of the State of Texas: That all the civil and criminal jurisdiction taken from the county court of Greer by an act of the Twentieth Legislature, approved March 26, 1887, and all civil and criminal jurisdiction taken from the county court of Donley by act of the Eighteenth Legislature, approved March 16, 1883, be and the same is hereby restored.

Sec. 2. All laws and parts of law in conflict with this act are hereby repealed.

Sec. 3. The fact that said counties are now without the jurisdiction sought creates an imperative public necessity and emergency that the constitutional rule requiring bills to be read on three several days be suspended, and that this act be in force and effect from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a two-thirds vote; and passed the senate by a two-thirds vote.]

Approved, March 21, 1889.

## PUBLIC LANDS—SCRAP LANDS.

Sec. 1. For the sale of certain appropriated lands in organized counties.

CHAP. 54.—[S. H. B. No. 348.] An Act to amend Section 1 of an Act to provide for the sale of such appropriated public lands situated in organized counties of the state of Texas as contain not more than six hundred and forty acres, approved March 29, 1887.

Section 1. Be it enacted by the Legislature of the State of Texas: That any person desiring to purchase any of such appropriated public lands situated in organized counties of the state of Texas as contain not more than six hundred and forty acres, appropriated by an act to provide for the investment of the proceeds of such sale, approved July 14, A. D. 1879, may do so by causing the tract or tracts which such person may desire to purchase to be surveyed by the authorized public surveyor of the county in which such land is situated. The provisions of this act shall not be so construed as to prohibit the right

of acquiring any of said lands under Chapter 9, Title 79, Revised Civil Statutes, within the bounds of the reservation here made; but any person shall have the same right of acquiring a homestead within this reservation, under the homestead donation laws of this state, as he may have had prior to the passage of this act: Provided, Where it is ascertained that any of such lands as contain not more than six hundred and forty acres is situated within the enclosed lands of any actual bona fide settler and resident of this state, such settler shall have the preference right for six months from the time that the same shall have been declared by the commissioner of the general land office to be vacant and subject to sale, to purchase as much of said land as may be embraced within his enclosure: Provided, That said preference right shall not be given to any person who has enclosed any vacant land knowing the same to be vacant at the time of enclosing same.

Approved, April 5, 1889.

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COMMISSION OF APPEALS.

Sec. 1. Amends Sections 1, 5, and 15, Act of March 30, 1887.

Sub-section 1. Appointment, qualification, etc., of the commissioners.

Sub-section 5. Supreme Court to refer cases to said commission—Notice to parties, etc.

Sub-section 15. Emergency clause.

CHAP. 55.—[S. B. No. 62.] An Act to amend Sections 1, 5, and 15 of an act entitled "An Act to create a Commission or Arbitration and Award, and define the power and duties thereof, and to make an appropriation to pay the salaries of the judges thereof," approved March 30, 1887.

Section 1. Be it enacted by the Legislature of the State of Texas: That Sections 1, 5, and 15 of the above named act be and the same are hereby amended so as to hereafter read as follows:

Section 1. That a commission of arbitration and award be and the same is hereby created, to be styled "The Commission of Appeals of the State of Texas." Said commission shall be composed of three persons, who shall be learned in the law and possess the same qualifications and receive the same salaries as judges of the supreme court, who shall be appointed by the governor, by and with the advise and consent of the senate if in session, and who shall hold their offices for two years, except as herein otherwise provided. The first appointment made under this act shall be made to take effect on the first day of April, 1889, and the judges so appointed shall hold their offices for two years, and thereafter appointments made under this act shall be made biennially. In case of a vacancy on said commission by death, resignation, or otherwise of any member thereof during the vacation of the legislature, it shall be the duty of the governor to fill the same by appointment; and the person so appointed shall continue in office until the next regular session of the legislature after the appointment.

Section 5. The supreme court is hereby authorized and empowered to refer to said commission of appeals any case or cases now or hereafter pending before said court for examination and report thereon. And it shall be the duty of said supreme court, in order to relieve the docket of said court of the great number of cases encumbering the same, from time to time to refer to said commission of appeals so many of said cases now or hereafter pending in said court as may be reasonably considered and acted upon by the same at the several sessions thereof: Provided, That when any case is referred by the supreme court to said commission of appeals, the counsel for both parties, or the parties themselves, shall be entitled to notice, and shall have the right to be heard upon the same as if said cause was tried by the

supreme court, which notice shall be given by registered letter sent by mail, addressed to the parties or their attorneys of record. And five days after the delivery thereof said cause shall be ready for submission, and no other costs shall be incurred for said notice save the postage thereon. And said commission of appeals shall make rules regulating the hearing of causes submitted or referred to the same.

Section 15. Whereas the present "Commission of Appeals of the State of Texas" will expire by its own limitation on the thirty-first day of March, A. D. 1889; and whereas the docket of the supreme court is still in a very crowded condition, and said supreme court is unable to transact the business before it; and whereas a great necessity exists for the continuance of said "Commission of Appeals of the State of Texas" to aid said supreme court in the transaction of its business and decide and determine the cases before it; and whereas the accumulation of business in said supreme court is so great as to prevent in ordinary course that speedy determination to litigation which is essential to justice, creates an emergency, and an imperative public necessity exists for the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended, and that this act take effect and be in full force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 25 yeas, no nays; and passed the house by a vote of 84 yeas, no nays.]

Approved, March 26, 1889.

#### LANDS—SALE AND LEASE OF SCHOOL AND OTHER PUBLIC LANDS.

##### Sec.

1. Amends Section 5, 8, 11, 13, 14, 15, and 22, Act of April 1, 1887.  
Sub-section 5. Such lands subject to sale—Quantities to be sold, etc.  
Sub-section 8. Prior right to purchase in favor of bona fide settler.  
Sub-section 11. Penalties for failing to pay interest when due.  
Sub-section 13. Commissioner General Land Office to adopt regulations for sale of timber and timbered land, etc.

##### Sec.

- Sub-section 14. Lands to be leased by Commissioner of the General Land Office in accordance herewith.  
Sub-section 15. Applications for lease—terms, etc.  
Sub-section 22. Commissioner of General Land Office, under direction of Governor, to reserve for lease, etc.
2. Emergency clause.

CHAP. 56.—[S. H. B. No. 40.] An Act to amend Sections 5, 8, 11, 13, 14, 15, and 22, Chapter 99, of an act entitled An Act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the benefit of the public free schools, the university, and the several asylums, and the lease of such lands and of the public lands of the state, and to prevent the free use, occupancy, unlawful enclosure, or unlawful appropriation of such lands, and to prescribe and provide adequate penalties therefor, approved April 1, 1887.

Section 1. Be it enacted by the Legislature of the State of Texas: That sections 5, 8, 11, 13, 14, 15, and 22, of an act to provide for the sale of the lands heretofore or hereafter surveyed and set apart for the benefit of the public free schools, the university, and the several asylums, and the lease of such lands and of the public lands of the state, and to prevent the free use, occupancy, unlawful enclosure, or unlawful appropriation of such lands, and to prescribe and provide adequate penalties therefor, be so amended as to hereafter read as follows.

Section 5. When any portion of said land has been classified to the satisfaction of the commissioner under the provisions of this act or former laws, such land shall be subject to sale, but to actual settlers only, and in quantities of not less than eighty acres and in multiples thereof, nor more than one

section containing six hundred and forty acres, more or less: Provided, That when there is a fraction less than eighty acres of any section left, such fraction may be sold; but lands classified as purely pasture lands and without permanent water thereon may be sold in quantities not to exceed four sections to the same settler; and in no event shall sale be made to a corporation, either foreign or domestic, and all sales to a settler shall be upon the express condition that any sale or transfer of such land to any corporation, directly or indirectly, before patent is issued thereon, shall ipso facto terminate the title of the purchaser or owner, and such land shall be forfeited to the state without re-entry and become again a part of the particular fund to which it formerly belonged.

Section 8. Any bona fide actual settler who may reside on any part of the lands the sale of which is authorized by this act at the time this act may go into effect, shall have the right for a period of six months after the same shall have been appraised to purchase such quantity of land as may be limited by this act, to include his improvements, upon complying with the provisions of this act regulating sales as in other cases, and such land shall be appraised without reference to the improvements thereon. That any bona fide settler who has heretofore purchased or who may hereafter purchase one section of agricultural or watered land and no more, shall have the right to purchase three dry and strictly pastoral sections upon his making oath that he is not acting in collusion with others for the purpose of buying for any other person or corporation, and that no other person or corporation is directly or indirectly interested in the purchase of the same.

Section 11. If upon the first day of August of any year the interest due on any obligation remains unpaid, the purchaser shall have until the first day of the following January in which to pay said interest, and for said default said purchaser shall pay fifty per cent penalty on said interest then past due; and if said purchaser shall fail to pay said past due interest and penalty on or before said first day of January, the commissioner of the general land office shall endorse on such obligation "land forfeited," and shall cause an entry to that effect to be made on the account kept with the purchaser, and thereupon said land shall be forfeited to the state without the necessity of re-entry or judicial ascertainment, and shall revert to the particular fund to which it originally belonged and be resold under the provisions of this act or any future law: Provided, If any purchaser shall die, his heirs or legal representatives shall have one year in which to make payment after the first day of August next after such death. And if any purchaser shall fail to reside upon and improve in good faith the land purchased by him he shall forfeit said land and all payments made thereon to the state in the same manner as for non-payment of interest, and such land shall be again for sale as if no such sale and forfeiture had occurred; or if he shall fail to make the proof of occupancy within the time and in the manner prescribed by the regulations of the commissioner of the general land office, as provided for in section 9 of this act, he shall in like manner forfeit the land and all payments thereon to the state: Provided further, That nothing in this section contained shall be construed to inhibit the state from instituting such legal proceedings as may be necessary to enforce such forfeiture or to protect any other right to such land, which suits may be instituted by the attorney-general, under the directions of the governor, in the proper court of the county in which the land lies or in the district court of Travis County, and jurisdiction of such cases is hereby expressly conferred on said courts: Provided, This section shall be printed on the back of receipt.

Section 13. The commissioner of the general land office shall adopt such



regulations for the sale of the timber on timbered lands as may be deemed necessary and judicious, such regulations to be subject to the approval of the governor. Such timber shall not be sold for less than five dollars per acre cash, except in such cases as the commissioner may ascertain by definite examination of a state agent that any particular section is sparsely timbered or contains timber of but little value, in which case he shall be authorized to sell the timber on said section at the best price, on the best terms practicable: Provided, Such timber is sold at not less than two dollars per acre. And in no case shall less than one section of timbered land be sold to any purchaser, except in cases of fractional sections which may be sold under the provisions of this act. The purchaser shall have five years from the date of his purchase within which to remove the timber therefrom, and in case of failure to do so such timber shall be forfeited to the state without judicial ascertainment: Provided, That all timbered lands from which the timber has been cut and taken off may be placed on the market and sold for not less than two dollars per acre, as other lands are sold under the provisions of this act.

Section 14. The public lands, and all lands belonging to the public free schools, asylums, or university fund, shall be leased by the commissioner of the general land office in accordance with the provisions of this act. All of such lands lying north of the Texas and Pacific Railroad and east of the Pecos River shall be leased for a period not longer than six years, except as hereinafter provided; and all lands lying south of the Texas and Pacific Railroad, and all lands west of the Pecos River, and all university lands, and all lying in the counties of Andrews, Gaines, Terry, and Yoakum, shall be leased for a period not longer than ten years, and the lessee shall pay an annual rental of four cents per acre for all lands leased. Provided, That the university lands may be leased at three cents per acre per annum, which rental shall be paid each year in advance, the first payment to be made at the time the lease is executed, and if at the termination of the lease such land is still subject to lease, the lessee or lessees thereof whose term of lease is expired shall have the refusal of such land as he has been leasing on the terms and at the price that may be fixed therefor by the commissioner of the general land office. All leases shall be executed under the hand and seal of the commissioner of the general land office, and shall be delivered to the lessee or his duly authorized agent, and such lease shall not take effect until the first annual rent is paid and the lease duly filed for record in the county where the land lies or to which it may be attached for judicial purposes, and it shall not be necessary for the commissioner to acknowledge such lease before the same is placed on record.

Section 15. Any person desiring to lease any portion of the public lands belonging to the several funds mentioned in this act, shall make application in writing to the commissioner of the general land office, specifying and describing the particular lands he desires to lease; thereupon the commissioner, if satisfied that the lands applied for are not in immediate demand for purposes of actual settlement, and that such lands can be leased without detriment to the public interest, shall notify the applicant in writing that his proposition to lease is accepted; and thereupon he shall execute and deliver to the lessee, in the name and by the authority of the state, a lease of said land for such term as may be agreed upon, and deliver the same to such lessee when satisfied that the lessee has paid to the treasurer of the state the rent for one year in advance. No lands classified as grazing land under this act shall be subject to sale during the existence of such lease, and the possession thereof by the lessee shall not be disturbed during the term of such lease so long as the rents are paid promptly in advance each year as required by this act.

The land classified as agricultural land, which may be leased under this act, shall be leased subject to sale as provided by this act; and whenever such leased land may be purchased, the lessee shall give immediate possession to such purchaser: Provided, That the lessee shall have a pro rate credit upon his next year's rent or the money refunded to him by the treasurer, as he may elect: Provided further, That no such sale shall be permitted where such lessee shall have previously placed improvements of the value of one hundred dollars upon such section of lands sought to be purchased. That no purchaser or other person than the lessee shall be permitted to turn loose within such leasehold more than one head of horses, mules, or cattle, for every ten acres of land purchased, owned, or controlled by him and unenclosed, or in lieu thereof four head of sheep or goats to every ten acres of land so purchased, owned, or controlled and unenclosed. Each violation of the provisions of this act which restricts the number of stock that may be turned loose on lands leased from the state, shall be an offense, and the offender on conviction shall be punished by fine of not less than one dollar for each head of stock he may so turn loose, and each thirty days violation of the provisions of this section shall constitute a separate offense.

Section 22. The commissioner of the general land office, under the direction of the governor, may withhold from lease any agricultural lands necessary for purposes of settlement, and no agricultural land[s] shall be leased if in the judgment of the commissioner they may be in immediate demand for settlement, but such lands shall be held for settlement, and sold to actual settlers only, under the provisions of this act, and all sections or fraction of sections in all counties organized prior to the first day of January, 1875, except El Paso, Pecos, and Presidio counties, which sections are detached and isolated from other public lands, may be sold to any purchaser, except to a corporation, without actual settlement, at not less than two dollars per acre, upon such terms as the commissioner of the general land office may prescribe.

Sec. — [2.] The near approach of the close of the present session of the legislature rendering it impracticable to read this bill on three several days, creates an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days; rule is hereby suspended.

[Note.—The foregoing act originated in the house, and passed the same on the twenty-sixth day of March, A. D. 1889; and passed the senate by a vote of 25 yeas, no nays.]

Approved, April 8, 1889.

#### DEPARTMENT OF AGRICULTURE, INSURANCE, STATISTICS, AND HISTORY.

Sec. 1. Amends Sections 2, 5, and 6, Act of April 1, 1887.

Sub-section 2. Designates name of department, and prescribes the seal.  
etc.

Sub-section 5. Designates character of statistics collected.

Sub-section 6. Duties and compensation of assessors.

[2] 7. Emergency clause.

CHAP. 57.—[S. H. B. Nos. 111, 142, 173, and 180.] An Act to amend Sections 2, 5, and 6, Chapter 105, of an act entitled "An Act to create a Bureau of Agriculture for the State of Texas, and to add it to the Department of Insurance, Statistics, and History; to properly designate said department and its head, and to prescribe the duties belonging to it relating to agriculture," passed by the Twentieth Legislature and approved April 1, 1887.

Section 1. Be it enacted by the Legislature of the State of Texas: That Sections 2, 5, and 6, Chapter 105, of the above recited act, be so amended as to hereafter read as follows:

Sec. 2. The present commissioner of insurance, statistics, and history shall

assume the title named in the foregoing section as his official designation. He shall change the seal of his department so as to conform thereto, by inserting in it the words, Department of Agriculture, Insurance, Statistics, and History of the State of Texas, or an intelligible abbreviation thereof, and shall at once assume in addition to his present duties those imposed by this act relating to agriculture, and shall appoint such clerks as the additional labor of his department requires.

Sec. 5. It shall be the duty of the commissioner to arrange and adopt a plan for collecting and publishing agricultural and farm statistics, in such manner and numbers as he may deem best, or the condition of the department will permit, and shall, before the first day of January of each year, furnish the tax assessors of the several counties in the state with the necessary blanks, together with such instructions as will properly direct them in that work, and such blanks shall contain only such questions as relate to agriculture, horticulture, and stockraising.

Sec. 6. It shall be the duty of tax assessors when listing property for taxes to also call on tax payers and heads of families in their respective counties engaged in agriculture, horticulture, or stockraising, for necessary facts and information for filling out the blanks; they shall be allowed by the commissioners court not less than five cents nor more than ten cents for each tax payer engaged in the occupation heretofore mentioned from whom information for filling out the blanks is secured, one-half to be paid by the state and one-half by the county, to be paid in the same manner that the fees for assessing state and county taxes are now paid; and when any assessor fails or refuses to comply with the provisions of this act or the instructions of the commissioner, the comptroller shall, on notice from the commissioner, withhold the pay due such assessor for assessing the state taxes of his county until notified by the commissioner that such assessor has complied with the law. And assessors are hereby required to report to the commissioner not later than October first of each year.

Sec. 7 [2]. The fact that assessors are now taking statistics, and the necessity for some law regulating their compensation for such work, constitutes a public necessity and emergency demanding the suspension of the constitutional rule requiring bills to be read on three several days, and that this law take effect from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 76 yeas, 2 nays; and passed the senate by a vote of 28 yeas, 2 nays.]

Approved, March 2, 1889.

## AGRICULTURAL EXPERIMENT STATIONS.

- Sec. 1. Assent of the state.
2. Emergency clause.

CHAP. 58.—[H. B. No. 520.] An Act to amend an act to give the assent of the state of Texas to the purpose of a grant of money authorized and appropriated by an act of the Congress of the United States, approved March 2, A. D. 1887, and entitled "An Act to establish agricultural experiment stations in connection with the colleges established in the several states under the provisions of an act approved July 2, A. D. 1862, and of the acts supplementary thereto."

Whereas the Congress of the United States, by an act approved March 2, A. D. 1887, and entitled "An Act to establish agricultural experiment stations in connection with the colleges established in the several states under the provisions of an act approved July 2, 1862, and of the acts supplementary

thereto," has granted to each of the states and territories of the United States an appropriation of fifteen thousand dollars for the purpose indicated in the title of said act and fully set forth in the body thereof; and whereas said act in section 9 thereof provides that the grants of money therein authorized are made subject to the legislative assent of the several states and territories to the purpose of said grants: Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas: That the state of Texas does hereby assent to the purposes of said grant, and designates the Agricultural and Mechanical College of Texas as such station.

Sec. 2. The fact that no further benefits from the grant made by congress to the several states for experiments in agriculture can be had until the state designates the beneficiary of such grant in this state, creates an imperative necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and that this bill take effect from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same March 19, A. D. 1889; and passed the senate by a vote of 26 yeas, no nays.]

Approved, April 3, 1889.

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#### RECEIVERS.

Sec. 1. Amends Sections 2 and 6, of Chapter 131, Laws Twentieth Legislature.

Sub-section 2. No party or persons at interest to be appointed receiver, etc.

Sub-section 6. Application of moneys coming into hands of receivers, etc.

CHAP. 59.—[H. B. No. 194.] An Act to amend Sections 2 and 6, of Chapter 131, of an act to provide for the appointment of receivers, and to define their powers and duties, and to regulate proceedings under such appointment of receivers, as passed by the Twentieth Legislature and approved April 2, 1887.

Section 1. Be it enacted by the Legislature of the State of Texas: That Sections 2 and 6, of Chapter 131, of an act to provide for the appointment of receivers, and to define their powers and duties, and to regulate proceedings under such appointment of receivers, as passed by the Twentieth Legislature of the State of Texas and approved April 2, 1887, be so amended as to hereafter read as follows:

Section 2. No party, attorney, or any person interested in any way in an action for the appointment of a receiver, shall be appointed receiver therein, nor shall any person be appointed receiver in any case where the property lies within this state unless the person appointed at the time of his appointment is a bona fide citizen of the state of Texas and qualified to vote, and during the pendency of said receivership the person or persons so appointed receiver to keep and maintain actual residence within this state. And if [in] any action for the appointment of a receiver the property sought to be placed in the hands of a receiver is situated partly in this state and partly without, then no person shall be appointed receiver of that part of the property situated in this state unless such person at the time is a bona fide citizen of this state and qualified to vote, and during the pendency of said receivership the person or persons so appointed receiver to keep and maintain actual residence within this state. And if any person should be appointed receiver of property situated in this state, or a part of which is situated in this state and a part without, who is not at the time a bona fide citizen of this state and entitled to vote, all such appointments shall be absolutely null and void in so far as the property situated within this state is concerned. And if any corporation owning property in this state and chartered by this state shall have a receiver of its prop-

erty situated in this state appointed who is not at the time of appointment a bona fide citizen of this state, and qualified to vote, said corporation shall thereby forfeit its charter, and it shall be the duty of the attorney-general to at once to prosecute a suit by quo warranto against said corporation so offending to forfeit its charter, and the court trying the cause shall forfeit the charter of said corporation upon proof that a person has been appointed receiver of its property situated in this state who is not qualified to act under the provisions of this section.

Section 6. All moneys that come into the hands of a receiver as such receiver shall be applied as follows: First, to the payment of all court costs of the suit; second, to the payment of all wages of employes due by the receiver; third, to the payment of all debts due by the receiver for materials and supplies purchased during the receivership by the receiver for the improvement of the property in his hands as receiver; fourth, to the payment of all debts due for betterments and improvements done during the receivership to the property in his hands as such receiver; fifth, to the payment of all claims and accounts against the receiver on contracts made by the receiver during the receivership, and for all claims for stock and personal injury claims against said receiver accruing during said receivership, and all judgments rendered against said receiver for personal injuries and for stock killed; sixth, all judgments recovered against the person or persons or corporations in suits brought before the appointment of a receiver in the action. And said claims shall have a preference lien on all of the moneys coming into the hands of the receiver which are the earnings of the property in his hands, and the court shall see that the money coming into the hands of the receiver as earnings of the property in his hands is paid out on the claims against said receiver in the order of their preference as named above, and it shall be the duty of the receiver to pay the funds in his hands which are the earnings of the property while in his hands as receiver on the claims against him in the order of preference named above.

All judgments recovered against a receiver for cause of action arising during the receivership shall be a preference lien upon all the property in his hands as such receiver superior to the mortgage lien; and if a receiver is discharged pending suits against him for causes of action growing out of and arising during the receivership, the cause of action shall not abate, but may be prosecuted to final judgment against the receiver, and the plaintiff in the action may if he sees proper make the party or corporation to whom the receiver has delivered the property that was in his hands as receiver a party to the suit, and if judgment is finally rendered in favor of the plaintiff against the receiver, the court shall also enter up judgment in favor of the plaintiff against the party to whom the property was delivered by the receiver. If any person should sue a receiver and obtain judgment against such receiver, and said receiver shall have in possession moneys subject to the payment of said judgment, and the plaintiff owning the judgment shall apply to the court appointing the receiver for an order to pay said judgment, and if the court appointing the receiver should refuse to order said judgment paid, when there is money in the hands of said receiver subject to the payment of the judgment, then it shall be the duty of the court rendering the judgment to order an execution to issue on said judgment against said receiver upon the filing by the plaintiff in the court where the judgment was rendered an affidavit stating the facts that the plaintiff had applied to the court appointing the receiver for an order for said receiver to pay said judgment, and that it was proven to the court that there was money in the hands of the receiver at that time which was subject to the payment of the

judgment, and that the court appointing the receiver refused to order the receiver to pay the judgment; said execution when so issued shall be levied upon any property in the hands of the receiver and shall be sold as under ordinary executions, and a sale of the property will convey the title of the same to the purchaser. All judgments rendered against a receiver for causes of action arising during the receivership shall be a lien upon all of the property in the hands of the receiver superior to the mortgage lien; and if the property should be turned back into the possession of the party or corporation who were owning same at the time of the appointment of a receiver or any one else for them, or as their assigns or purchasers, the party or corporation so receiving said property from said receiver shall take said property charged with all of the unpaid liabilities of the receiver occurring during the receivership to the value of the property delivered by the receiver. If a receiver is discharged by the court before all of the liabilities of the receiver arising during the receivership are settled in full, then the person, persons, or corporation to who the receiver delivers the property that was in his hands as receiver shall be liable to the persons having claims against said receiver for the full amount of the liabilities. The discharge of a receiver shall not work an abatement of the suit against a receiver, nor shall it in any way e[a]ffect the right of the party to sue the receiver if he sees proper.

All judgments rendered against a receiver on causes of action arising during the receivership shall be a lien on all of the property in the hands of said receiver superior to the mortgage lien.

All parties and corporations whose property has been placed in the hands of a receiver by order of court, and which was not sold by the receiver, and which property has been redelivered back to the original parties or corporation without any sale of said property, shall be liable and held to pay all of the unpaid liabilities of the receiver in causes of action arising out of and during the receivership; and if there are any suits pending against a receiver at the date of discharge, on causes of action arising during the receivership, the plaintiff shall have the right to make the party or corporation to whom the receiver delivered the property which was in his hands as receiver a party defendant along with the receiver; and if any judgment is rendered against the receiver for causes of action arising out of and during the receivership, then the court shall also at the same time (if the party or corporation receiving back the property have been made party defendants) render judgment in favor of the plaintiff against both defendants for the amount so found for plaintiff and all costs, and plaintiff shall have the right to foreclose his lien on the property delivered back by said receiver to said party or corporation. If at the date of the discharge of the receiver there are any judgments or claims not sued on against a receiver arising during the receivership, and which judgments and claims not sued on are unpaid at the date of the discharge of said receiver, said unpaid judgments and unpaid claims not sued on shall be a preference lien on all of the property that was in the hands of the receiver superior to the mortgage lien, and the person or corporation to whom the receiver has delivered the property that was in his hands as receiver, shall be liable for all unpaid judgments and unpaid claims not sued on to the value of the property that was delivered by the receiver to said person or corporation.

And any person having a claim against a receiver not sued on at the date of the discharge of the receiver, shall have the right to sue said receiver either alone or jointly with the person or corporation to whom the receiver delivered said property that was in his hands as such receiver; and if any judgment is rendered against said receiver, a judgment shall also be rendered

against the person or corporation for the same amount that is rendered against the receiver, not to exceed the value of the property so received by said person or corporation.

That from and after the passage of this act, in any case in which any receiver is sued in any of the courts of this state, and such receiver desires to take an appeal from any judgment which may be rendered against him in any justice or county court, or to take an appeal or writ of error from any judgment which may be rendered against him in any district court, before such appeal or writ of error shall be perfected or allowed such receiver shall enter into bond with two or more good and sufficient sureties, to be approved by the clerk of the court or justice of the peace, payable to the appellee or the defendant in error, in a sum at least double the amount of the judgment, interest, and cost, conditioned that such receiver shall prosecute his appeal or writ of error with effect; and in case the judgment of the court to which such appeal or writ of error be taken shall be against him, that he will perform its judgment, sentence, or decree, and pay all such damages and costs as said court may award against him. In the event that the judgment of the court to which such appeal or error is taken shall be against such receiver, judgment shall at the same time be entered against the sureties on his said bond, and execution thereon may issue against such sureties within twenty days after the rendition of such judgment.

Approved, March 19, 1889.

#### PUBLIC EDUCATION.

- Sec. 1. Office of County Superintendent may be abolished.
- 2. Emergency clause.

CHAP. 60.—[H. B. No. 452.] An Act to amend An Act to establish and maintain a system of public free schools for the state of Texas, by adding thereto a new section, to be known as Section 43b, providing for abolishing the office of county superintendent of public instruction whenever the county commissioners court of any county shall deem it advisable to do so.

Section 1. Be it enacted by the Legislature of the State of Texas: That the county commissioners court of any county in this state shall have the power and authority, when in their judgment such court may deem it advisable, to abolish the office of county superintendent of public instruction in their county by an order entered on the minutes of their court at a regular term thereof. Whenever such office is abolished the county judge of such county shall from the date of said order perform the duties of such office; and the county superintendent shall immediately turn over to such county judge all the books, papers, records, and other school property in his possession.

Sec. 2. The near approach of the close of the session, and the fact that there is no law giving the authority to abolish the office of county superintendent of public schools, creates an imperative public necessity and emergency which authorizes the suspension of the rule requiring bills to be read on three several days, and said rule is hereby suspended, and this act shall take effect from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 77 yeas, no nays; and passed the senate by a vote of 24 yeas, 1 nay.]

Approved, April 6, 1889.

PUBLIC EDUCATION.

- Sec. 1. Counties exempt from district system, etc.
2. Emergency clause.

CHAP. 61.—[H. B. No. 19.] An Act entitled An Act to amend an act to amend Section 71, of Chapter 132, of an act passed at the regular session of the Twentieth Legislature, approved April 2, 1887, passed at the special session of the Twentieth Legislature, approved May 14, 1888.

Section 1. Be it enacted by the Legislature of the State of Texas: That Section 71 of the General Laws of Texas be so amended as to hereafter read as follows:

[Section 71.] The following counties shall be and the same are exempted from the district system provided for in this act, to wit: Angelina, Aransas, Bastrop, Bosque, Bowie, Brazoria, Burleson, Calhoun, Callahan, Cameron, Camp, Cass, Chambers, Concho, Delta, De Witt, Duval, Encinal, Erath, Falls, Fannin, Fayette, Fort Bend, Franklin, Freestone, Goliad, Gregg, Grimes, Guadalupe, Hardin, Hays, Henderson, Hidalgo, Hopkins, Jackson, Jasper, Jefferson, Karnes, Lampasas, Liberty, Limestone, Lee, Marion, Matagorda, McMullen, Menard, Milam, Montgomery, Morris, Nacogdoches, Newton, Orange, Panola, Pecos, Polk, Presidio, Rains, Reeves, Red River, Refugio, Robertson, Rusk, Sabine, San Augustine, San Jacinto, Shackelford, Shelby, Smith, Somervell, Starr, Trinity, Tyler, Upshaw [Upshur], Van Zandt, Waller, Washington, Webb, Wharton, Zapata, and Houston: Provided, The citizens in any community or section of territory embraced in any of said above named counties may adopt the district system by designating a portion of the territory of any of said counties not exceeding four miles square, and conforming to the provisions and requirements of Sections 30, 31, 32, 33, and 34, of Chapter 25, of an act entitled An Act to establish and maintain a system of public free schools for the state of Texas, and to repeal so much of Chapter 3, of Title 78, of Revised Statutes of Texas, as refers to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws or parts of laws in conflict with this act of the special session of the Eighteenth Legislature, which passed the senate January 30, 1884, and passed the house of representatives February 4, 1884, and was presented to the governor February 6, 1884, and became a law without his signature, and by conforming to the general provisions of said act and to the acts amendatory thereof, it being intended by this act to permit subdivisions of counties mentioned in this act not exceeding six miles square to avail themselves of and to adopt the district system when the whole county does not want to adopt it.

Sec. 2. That justice may be speedily done to the citizens to be so exempted from said district system, together with the near approach of the close of the present session of the legislature, creates an imperative public necessity and emergency that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same March 16, 1889; and passed the senate by a vote of 26 yeas, 1 nay.]

Approved, April 3, 1889.



## CAPITOL FURNISHING BOARD.

Sec.

1. Governor authorized to extend time of said board and of the "expert."

Sec.

2. Governor authorized to extend time of engineer.
3. Emergency clause.

CHAP. 62.—[H. B. No. 439.] An Act to authorize the Governor to extend further time to the Capitol Furnishing Board, Expert, and Engineer, provided for by an act of the special session of the Twentieth Legislature, approved May 17, 1888.

Section 1. Be it enacted by the Legislature of the State of Texas: That the governor is hereby authorized and empowered to extend the time of the "capitol furnishing board" and the "expert" until the present contract for furnishing the capitol building has been completed, not to exceed forty days, and not to extend beyond May 1, 1889.

Sec. 2 The governor is further authorized and empowered to extend the time of the engineer until the present contract for improving the capitol grounds has been completed.

Sec. 3. Whereas the time of the capitol furnishing board, the expert, and engineer has expired, and there being no person authorized to see that the contracts for furnishing the new capitol building and grading and improving the capitol grounds are strictly complied with, therefore an emergency exists and imperative public necessity demands that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 80 yeas, 10 nays; and passed the senate by a vote of 24 yeas, 3 nays.]

Approved, February 23, 1889.

## PART V.

### Miscellaneous.

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#### APPROPRIATION FOR MILEAGE AND PER DIEM PAY OF OFFICERS, MEMBERS, AND EMPLOYES.

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|--|--|
| Sec.   | Sec.   |
| 1. \$30,000 appropriated for per diem pay of members, etc., of Twenty-first Legislature. | 2. Manner of auditing claims against this appropriation. |
|  | 3. Emergency clause.                                     |

CHAP. 63.—[S. B. No. 14.] An Act making an appropriation for the mileage and per diem pay of the members and the per diem pay of the officers and employes of the Twenty-first Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas: That the sum of eighty thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the payment of mileage and per diem pay of members and per diem pay of officers and employes of the Twenty-first Legislature.

Sec. 2. The certificate of the secretary of the senate approved by the president thereof, or of the chief clerk of the house approved by the speaker thereof, shall be sufficient evidence to the comptroller upon which he shall audit the claims and issue his warrants upon the treasurer for the respective amounts.

Sec. 3. And whereas the Twenty-first Legislature is now in session, and public policy requires their payment; therefore an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and this act shall take effect from and after its passage.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 28 yeas, no nays; and passed the house by a vote of 99 yeas, no nays.]

Approved, January 12, 1889.

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#### APPROPRIATION TO DEFRAY CONTINGENT EXPENSES.

- Sec. 1. \$30,000 appropriated to defray expenses of Twenty-first Legislature.  
2. Emergency clause.

CHAP. 64.—[S. B. No. 17.] An Act making an appropriation to defray the contingent expenses of the Twenty-first Legislature.

Section 1. Be it enacted by the Legislature of the State of Texas: That the sum of thirty thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the treasury not otherwise appropriated, to pay the contingent expenses of the Twenty-first Legislature; that (except in cases of accounts for printing done and stationery furnished) the certificate of the chairman of the committee on contingent expenses that an account has been examined and approved by said committee, and countersigned by the president of the senate or the speaker of the house, as the case may be, shall be sufficient authority to authorize and require the comptroller of public accounts to draw his warrant on the state treasurer for the payment

of any claim against said fund. The accounts for printing and stationery shall take the course prescribed by the Revised Statutes.

Sec. 2. The fact that it is important that the contingent expenses of the legislature be promptly paid, creates an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days be suspended, and that this act take effect from its passage; it is so enacted:

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 28 yeas, no nays; and passed the house by a vote of 104 yeas, no nays.]

Approved, January 17, 1889.

#### APPROPRIATIONS—DEFICIENCY.

Sec. 1. \$349,090.18 appropriated to be applied to enumerated claims.

2. Emergency clause.

CHAP. 65.—[S. B. No. 16.] An Act making appropriations for deficiencies in the appropriations heretofore made for payment of expenses in support of the state government from March 1, A. D. 1887, to February 28, A. D. 1889, being for payment of claims registered in the comptroller's office in accordance with law, and for outstanding claims not registered, and other deficiencies.

Section 1. Be it enacted by the Legislature of the State of Texas: That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated for deficiencies incurred in support of the state government for the period beginning March 1, A. D. 1887, and ending February 28, A. D. 1889, and for previous years:

For fees of sheriffs, clerks, and attorneys in felony cases:		
Registered .....	\$159,635 00	
Estimated .....	100,000 00—	\$259,635 00
For fees of attached witnesses:		
Registered .....	37,851 13	
Estimated .....	30,000 00—	67,851 13
For fees of justices of the peace, constables, county judges, in examining courts:		
Registered .....	3,220 98	
Estimated .....	5,000 00—	8,220 98
For special judges:		
Registered .....	811 00	
Estimated .....	2,000 00—	2,811 00
For publishing Supreme Court Reports.....		7,000 00
For publishing Appellate Court Reports.....		3,000 00
For balance due I. & G. N. R. R. for transportation of troops from Austin and San Antonio, Texas, to Laredo and return, to quiet disturbances there in April, 1886 .		447 20
For salary of clerk of the penitentiary board from December 20, 1888, to March 1, 1889, to be paid out of the appropriation for salary of secretary of capitol board .		125 00

Sec. 2. The fact that there is no appropriation to pay the claims herein stated, which are outstanding against the state, creates a public necessity that

the constitutional rule requiring bills to read on three several days be suspended, and that this act shall go into effect from its passage, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 26 yeas, no nays; and passed the house by a vote of 86 yeas, 3 nays.]  
Approved, January 25, 1889.

HOUSE OF CORRECTION AND REFORMATORY.

Sec.	Sec.
1. \$2214 appropriated for maintenance of the reformatory.	2. Manner of auditing claims against this appropriation.
	3. Emergency clause.

CHAP. 66.—[S. S. B. No. 23.] An Act making an appropriation for the support of the House of Correction and Reformatory at Gatesville for the months of January and February, 1889.

Section 1. Be it enacted by the Legislature of the State of Texas: That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated, out of any money in the treasury not otherwise appropriated, for the support of the House of Correction and Reformatory at Gatesville for the months of January and February, 1889:

Feeding sixty boys, nine employees, and six in family, at fifteen cents per day .....	\$675 00
One hundred and eighteen cords of wood (two cords per day) at \$3. ....	354 00
Four mules .....	600 00
Three cows and calves .....	45 00
Ten hogs .....	50 00
One cart and harness .....	40 00
Salary of teacher two months .....	100 00
Wages of farmer two months .....	60 00
Wages of cook two months .....	60 00
Wages of three supervisors two months .....	150 00
Wages of night watchman two months .....	60 00
Wages of engineer two months .....	120 00
	<hr/>
	\$2214 00

Sec. 2. Said sums of money shall be drawn out of the treasury and expended in the manner provided by "An Act to establish a House of Correction and Reformatory, and to provide for its government and maintenance, and to make an appropriation therefor," approved March 29, 1887.

Sec. 3. Whereas said institution was opened and put in operation on the first day of January, 1889, and there are now no funds in the treasury appropriated for the support and maintenance thereof, there exists an emergency and a great public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 26 yeas, no nays; and passed the house by a vote of 85 yeas, 7 nays.]  
Approved, January 31, 1889.

## APPROPRIATIONS.

Sec. 1. General appropriations for current expenses of state government, etc.

CHAP. 67.—[S. H. B. No 360.] An Act making appropriations for the support of the state government for the years beginning March 1, 1889, and ending February 28, 1891, and for other purposes.

Section 1. Be it enacted by the Legislature of the State of Texas: That the following sums of money, or so much thereof as may be necessary, are hereby appropriated, out of any money in the treasury not otherwise appropriated, for the support of the state government for the years beginning March 1, 1889, and ending February 28, 1891, and for other purposes:

## Executive Office.

	Year ending—	
	February 28, 1890.	February 28, 1891.
For salary of governor.....	\$4,000 00	\$4,000 00
salary of private secretary.....	1,800 00	1,800 00
salary of special clerk, who shall also act as secretary for the penitentiary board.....	1,500 00	1,500 00
additional clerical assistance.....	200 00	200 00
books and stationery.....	300 00	300 00
freight, postage, and telegraphing.....	800 00	800 00
salary of porter.....	360 00	360 00
fuel and gas for mansion.....	500 00	500 00
contingent expenses.....	300 00	300 00
governor's mansion and grounds.....	500	500 00
for payment of rewards and other contingent expenses necessary in the enforcement of the law....	10,000 00	10,000 00
furniture of and repairs of mansion.....	1,000 00	1,000 00
water for mansion.....	100 00	100 00

## State Department.

For salary of secretary of state.....	\$2,000 00	\$2,000 00
salary of chief clerk.....	1,800 00	1,800 00
salary of assistant clerk.....	1,200 00	1,200 00
salary of second assistant clerk.....	1,000 00	1,000 00
salary of porter.....	360 00	360 00
extra clerk hire.....	200 00	
freight, postage, and express.....	1,500 00	1,500 00
books and stationery.....	400 00	400 00
contingent expenses.....	50 00	50 00
furniture, files, etc.....	100 00	50 00
salary of additional clerk to take charge of, care for, and distribute state publications.....	900 00	900 00
the completion of indexing, arranging, labeling, and binding books, rolls, documents, etc., printed and unprinted, and all other papers in state department, begun under the provisions of an act approved May 17, 1888.....	2,500 00	

## Treasury Department.

For salary of treasurer.....	\$2,500 00	\$2,500 00
salary of chief clerk.....	2,000 00	2,000 00
salary of bookkeeper.....	1,800 00	1,800 00

	Year ending—	
	February 28, 1890.	February 28, 1891.
For salary of receiving clerk .....	\$1,500 00	\$1,500 00
salary of corresponding clerk .....	1,400 00	1,400 00
salary of two bookkeepers in the land department...	2,800 00	2,800 00
salary of examining clerk .....	1,400 00	1,400 00
salary of four assistant bookkeepers in land department .....	4,800 00	4,800 00
salary of one porter, who acts as messenger and collector .....	600 00	600 00
books and stationery .....	300 00	300 00
postage .....	500 00	500 00
contingent expenses .....	50 00	50 00
keeping in repair time locks .....	50 00	50 00
salary of night watchman.....	900 00	900 00

Comptroller's Office.

For salary of comptroller.....	\$2,500 00	\$2,500 00
salary of chief clerk.....	1,800 00	1,800 00
salary of chief bookkeeper.....	1,600 00	1,600 00
salary of assistant bookkeeper.....	1,200 00	1,200 00
salary of a sheriff and witness accountant, who shall perform such other duties as required of him.....	1,500 00	1,500 00
salary of stenographic clerk.....	1,200 00	1,200 00
salary of receiving clerk .....	1,500 00	1,500 00
salary of chief tax clerk.....	1,500 00	1,500 00
salary of two warrant clerks.....	3,000 00	3,000 00
salary of three corresponding clerks.....	4,200 00	4,200 00
salary of two auditing clerks.....	2,800 00	2,800 00
salary of one deposit warrant clerk.....	1,400 00	1,400 00
salary of one redemption clerk.....	1,400 00	1,400 00
salary of one examing clerk.....	1,400 00	1,400 00
salary of ten first assistant clerks.....	12,500 00	12,500 00
salary of eight second assistant clerks, \$1000 each...	8,000 00	8,000 00
salary of one porter and messenger.....	360 00	360 00
for telegraphing, contingent, postage, and assessment rolls .....	3,500 00	3,500 00
books, stationery, binding rolls, etc.....	3,000 00	3,000 00
traveling expenses incurred in examining sheriffs' and collectors' accounts, to be paid on official certificate .....	500 00	500 00

General Land Office.

For salary of commissioner.....	\$2,500 00	\$2,500 00
salary of chief clerk.....	1,800 00	1,800 00
salary of Spanish clerk.....	1,600 00	1,600 00
salary of receiving clerk.....	1,800 00	1,800 00
salary of first assistant clerk.....	1,500 00	1,500 00
salary of examining clerk.....	1,500 00	1,500 00
salary of two corresponding clerks.....	2,800 00	2,800 00

	Year ending— February 28, 1890.      February 28, 1891.	
For salary of one corresponding clerk for school and university lands .....	\$1,400 00	\$1,400 00
salary of chief patenting clerk.....	1,350 00	1,350 00
salary of two patenting clerks.....	2,400 00	2,400 00
salary of two abstract clerks.....	2,400 00	2,400 00
salary of one filing clerk.....	1,400 00	1,400 00
salary of two school and university land clerks, at \$1200 each .....	2,400 00	2,400 00
salary of one file room clerk.....	1,200 00	1,200 00
salary of two general clerks, at \$1080 each.....	2,160 00	2,160 00
salary of two transcript clerks, at \$1200 each.....	2,400 00	2,400 00
salary of chief draftsman.....	1,800 00	1,800 00
salary of six compiling draftsmen.....	9,000 00	9,000 00
salary of seven assistant draftsmen.....	8,400 00	8,400 00
salary of night watchman.....	600 00	600 00
salary of one porter.....	480 00	480 00
stationery, books, and furniture.....	2,500 00	2,500 00
postage and telegraphing.....	900 00	900 00
wood .....	200 00	200 00
contingent expenses .....	75 00	75 00
lithographic maps .....	1,200 00	1,200 00
water and repairs to fixtures.....	500 00	500 00
repairs on building .....	3,000 00	
the classification, sale, and lease of school and other public lands (to be paid out of their respective funds) for the two years ending February 28, 1891.	50,000 00	
salary of calculator .....	1,350 00	1,350 00

## Attorney-General's Office.

For salary and fees of attorney-general.....	\$3,500 00	\$3,500 00
salary of first office assistant.....	2,500 00	2,500 00
salary of second office assistant.....	1,800 00	1,800 00
salary of stenographic clerk.....	1,400 00	1,400 00
stationery .....	150 00	150 00
postage .....	200 00	200 00
telegraphing .....	50 00	50 00
law books and periodicals.....	250 00	250 00
cost of depositions and procuring evidence, etc.....	500 00	500 00
porter and messenger hire.....	420 00	420 00
actual traveling expenses incurred by attorney-general, or any of his assistants, in giving attention to the state's business pending elsewhere than in the courts held in city of Austin, vouchers to be made under official certificate .....	400 00	400 00
contingent expenses .....	50 00	50 00

Adjutant-General's Office.

	Year ending—	
	February 28, 1890.	February 28, 1891.
For salary of adjutant-general.....	\$2,000 00	\$2,000 00
salary of chief clerk.....	1,200 00	1,200 00
salary of porter, to serve superintendent of public instruction . . . . .	360 00	360 00
stationery, postage, and telegraphing.....	300 00	300 00
incidental expenses . . . . .	50 00	50 00
handling and transportation of ordnance and repair of arms . . . . .	500 00	500 00
protection of the frontier and suppression of lawlessness and crime . . . . .	30,000 00	30,000 00
adjutant-general's expenses as inspector of arms, troops, etc. . . . .	300 00	300 00
services of militia companies when called into active service under the law, and for other necessary military expenses, including the subsistence of the troops in encampment by order of the governor, payment to be approved by the governor.....	10,000 00	10,000 00

Department of Agriculture, Insurance, Statistics, Etc.

For salary of commissioner.....	\$2,000 00	\$2,000 00
salary of chief clerk.....	1,800 00	1,800 00
salary of agricultural clerk.....	1,500 00	1,500 00
salary of assistant clerk . . . . .	1,200 00	1,200 00
clerk hire . . . . .	300 00	300 00
subscription to newspapers for binding.....	200 00	200 00
books for state library.....	300 00	300 00
contingent expenses . . . . .	50 00	50 00
librarian and office assistant.....	360 00	360 00
To pay actual expenses of commissioner enforcing insurance laws . . . . .	200 00	200 00
For postage, stationery, and express.....	1,400 00	1,400 00
printing blanks and other printing.....	1,200 00	1,200 00
For continuing geological survey: Provided, That the clerk under this appropriation may be paid not to exceed \$100.00 per month.....	35,000 00	35,000 00
To print agricultural reports.....	3,000 00	3,000 00
For book cases and shelving.....	1,200 00	

Printing Board.

For public printing . . . . .	\$25,000 00	\$30,000 00
electrotyping . . . . .	2,000 00	

Supreme Court.

For salary of three judges.....	\$10,650 00	\$10,650 00
books and stationery . . . . .	1,000 00	1,000 00
fuel and lights . . . . .	350 00	350 00
postage and contingent expenses.....	900 00	900 00



	Year ending—	
	February 28, 1890.	February 28, 1891.
For furniture .....	\$100 00	\$100 00
porter .....	540 00	540 00
books for supreme court libraries .....	3,000 00	3,000 00
sheriffs' attendance .....	300 00	300 00
clerks' costs in civil cases adjudged against the state.	150 00	150 00
pigeon-holes for supreme court at Galveston .....	500 00	
salary of three librarians; one at Austin, \$500.00;		
one at Tyler, \$300.00; one at Galveston, \$300.00...	1,100 00	1,100 00
bill of Callagan & Co. ....	311 50	
purchase of books for consultation room, supreme		
court, at Austin .....	300 00	

## Commission of Appeals.

For salary of three judges .....	\$10,650 00	\$10,650 00
books and stationery .....	400 00	400 00
fuel and lights .....	275 00	275 00
postage and contingent expenses .....	600 00	600 00
furniture .....	100 00	100 00
sheriffs' attendance on court .....	150 00	150 00
porter hire .....	360 00	360 00

## Court of Appeals.

For salary of three judges .....	\$10,650 00	\$10,650 00
clerks' fees in criminal cases .....	4,000 00	4,000 00
sheriffs' attendance on courts .....	300 00	300 00
postage and contingent expenses .....	900 00	900 00
fuel and lights .....	200 00	200 00
law books to be selected by the presiding judge .....	300 00	300 00
record books and stationery .....	750 00	750 00
furniture .....	100 00	100 00
salary and fees of assistant attorney-general, and		
traveling expenses .....	3,000 00	3,000 00
porter hire .....	360 00	360 00
deficiency for books and stationery .....	136 50	

## Judicial Department.

For salary of forty-seven district judges .....	\$117,500 00	\$117,500 00
salary of thirty-four district attorneys .....	17,000 00	17,000 00
salary of one criminal district attorney .....	500 00	500 00
salary of one criminal district judge .....	2,500 00	2,500 00
fees and costs of sheriffs, clerks, and attorneys in		
felony cases .....	350,000 00	350,000 00
salaries of special judges .....	7,000 00	7,000 00
fees of county judges, justices of the peace, sheriffs,		
and constables of examining cases .....	15,000 00	15,000 00
expenses of attached witnesses .....	75,000 00	75,000 00
publishing supreme court reports .....	7,500 00	7,500 00

	Year ending—	
	February 28, 1890.	February 28, 1891.
For salary of supreme court reporter.....	\$3,000 00	\$3,000 00
publishing court of appeals reports.....	6,000 00	6,000 00
salary of court of appeals reporter.....	3,000 00	3,000 00
publishing the 27th court of appeals reports under old law .....	4,700 00	
publishing 71st supreme court reports under old law.	1,500 00	

Public Buildings and Grounds.

For salary of superintendent.....	\$1,500 00	\$1,500 00
salary of engineer .....	1,200 00	1,200 00
salary of assistant engineer, who shall perform any and all service required of him by the superin- tendent .....	900 00	900 00
salary of fireman .....	480 00	480 00
salary of four cleaners.....	1,440 00	1,440 00
salary of two night watchmen.....	1,200 00	1,200 00
salary of two day watchmen.....	1,000 00	1,000 00
water, fuel, lights, repairs for boiler house, etc.....	9,000 00	9,000 00
purchase of hose .....	600 00	600 00
running elevator .....	480 00	480 00
traveling expenses of superintendent.....	250 00	250 00
grating the basement windows.....	800 00	
oil and waste for steam pump, oil for furniture and wainscotting, drawing paper for plans, frames for blue prints, and stationery .....	200 00	200 00
level rod and steel tape.....	40 00	
tools .....	100 00	
repairs and painting .....	2,000 00	2,000 00
repairs of sewer .....	250 00	250 00
water at cemetery (contract).....	200 00	200 00
painting fence at cemetery.....	200 00	
making gallery and back stairs for temporary capitol	200 00	
painting roof and outside wood.....	200 00	
contingent repair fund .....	150 00	150 00
labor at cemetery and grounds.....	300 00	300 00
fencing and improving capitol grounds; to purchase fixtures and to supply the building with light by contract or purchase, to include the wiring of the capitol, to be let to the lowest responsible bidder or bidders by a board hereby created for that pur- pose, composed of the governor, attorney-general, and the superintendent of public buildings and grounds .....	31,500 00	3,500 00
putting in water pipes and protecting capitol grounds	5,000 00	2,500 00

## Pension Department.

	Year ending—	
	February 28, 1890.	February 28, 1891.
For pay of veterans under general laws.....	\$60,000 00	\$60,000 00
pay of Dillard Cooper, special pensioner.....	250 00	250 00
pay of John Day, special pensioner.....	100 00	100 00
pay of John Fields, special pensioner.....	200 00	200 00
pay of J. W. Nichols, special pensioner.....	100 00	100 00
pay of J. B. Thatcher, special pensioner.....	100 00	100 00
pay of Mrs. S. L. Cole, special pensioner.....	150 00	150 00
pay of D. T. Webb, special pensioner.....	100 00	100 00
pay of S. L. Chambliss, special pensioner.....	100 00	100 00

## Quarantine Department.

For officers and men.....	\$35,000 00	\$35,000 00
repairs .....	7,000 00	7,000 00
purchase of tents and rent of houses.....	2,500 00	2,500 00
purchase of steam vessel and conversion of steamer now owned by the state into a disinfecting boat..	23,500 00	

## State Lunatic Asylum.

For salary of superintendent .....	\$2,000 00	\$2,000 00
salary of first assistant physician.....	1,500 00	1,500 00
salary of second assistant physician.....	1,000 00	1,000 00
salary of steward and bookkeeper.....	1,000 00	1,000 00
salary of matron .....	600 00	600 00
salary of apothecary .....	600 00	600 00
engineer and plumber .....	750 00	750 00
assistant engineer and mechanic.....	500 00	500 00
supervisor and assistant steward.....	780 00	780 00
supervisores .....	480 00	480 00
gardener and farmer .....	480 00	480 00
chief cook .....	480 00	480 00
first assistant cook .....	300 00	300 00
two second assistant cooks.....	480 00	480 00
baker .....	480 00	480 00
first class carpenter and blacksmith.....	480 00	480 00
two firemen .....	720 00	720 00
six night watchmen .....	2,160 00	2,160 00
head laundress .....	360 00	360 00
six laundresses .....	1,440 00	1,440 00
six seamstresses .....	1,440 00	1,440 00
head seamstress .....	300 00	300 00
attendants, each \$20 per month.....	10,560 00	10,560 00
two skilled nurses .....	600 00	600 00

Provided, That the interest on all securities held by the lunatic asylum fund is hereby appropriated in part payment of the above appropriation for the two lunatic asylums, the remainder of the appropriation to be paid out of the general revenue. All moneys now in or that may hereafter be paid into the treasury for the board and treatment of non-indigent patients

Year ending—  
February 28, 1890. February 28, 1891.

and from sales of personal property of the lunatic asylums at Austin and Terrell shall be paid over to the state treasurer monthly, and credited by him to the general revenue account.

For three farm laborers.....	\$720 00	\$720 00
one dairyman .....	300 00	300 00
groceries, provisions, fuel, lights, and water.....	60,000 00	60,000 00
dry goods, bedding, and clothing.....	12,000 00	12,000 00
additional ward furniture .....	1,800 00	1,800 00
salary of scavenger .....	200 00	200 00
contingent expenses .....	800 00	800 00
repairs, sewerage, and plumbing.....	5,000 00	2,500 00
transportation of patients .....	1,500 00	1,500 00
furniture for superintendent's residence.....	500 00	
medical stores .....	1,000 00	1,000 00
literature and music .....	500 00	500 00

North Texas Insane Asylum.

For salary of superintendent .....	\$2,000 00	\$2,000 00
salary of first assistant superintendent.....	1,500 00	1,500 00
salary of second assistant superintendent.....	1,000 00	1,000 00
salary of apothecary .....	600 00	600 00
salary of bookkeeper and steward.....	1,000 00	1,000 00
salary of matron .....	600 00	600 00
salary of carpenter .....	480 00	480 00
salary of gardener .....	480 00	480 00
salary of scavenger .....	200 00	200 00
salary of engineer .....	720 00	720 00
salary of two firemen .....	720 00	720 00
painter and plasterer .....	480 00	480 00
salary of cook and two assistants.....	960 00	960 00
salary of baker .....	400 00	400 00
salary of five laundresses .....	1,200 00	1,200 00
salary of two laundry girls.....	480 00	480 00
salary of seven seamstresses.....	1,680 00	1,680 00
forty-four attendants (\$20.00 per mo. each).....	10,560 00	10,560 00
salary of six night watchmen.....	2,160 00	2,160 00
salary of one dairyman.....	300 00	300 00
groceries, fuel, gas, and water.....	40,000 00	60,000 00
transportation .....	1,500 00	1,500 00
contingent expenses .....	750 00	1,000 00
dry goods and clothing.....	10,000 00	12,000 00
medical stores .....	2,000 00	2,000 00
wagons, hacks, and harness.....	300 00	300 00
shops and tools .....	75 00	75 00
trees, seed, and stock.....	150 00	150 00
furniture, beds, etc.....	2,500 00	2,500 00
general repairs .....	2,000 00	1,000 00
expense of board to Austin.....	150 00	150 00
mules, horses, cows, and swine, etc.....	500 00	500 00

**Blind Asylum.**

	Year ending—	
	February 28, 1890.	February 28, 1891.
For salary of superintendent.....	\$2,000 00	\$2,000 00
teachers in school, music shop, and kindergarten....	7,500 00	7,500 00
salary of matron and housekeeper.....	450 00	450 00
assistant matron .....	360 00	360 00
steward and bookkeeper .....	600 00	600 00
oculist .....	900 00	900 00
nurse and seamstress .....	300 00	300 00
night watchman .....	500 00	500 00
engineer and plumber .....	750 00	750 00
cook and assistant .....	550 00	550 00
laundresses .....	700 00	700 00
transporting indigent pupils.....	800 00	800 00
clothing for indigent pupils.....	700 00	700 00
repairs, reroofing, replastering and repainting old buildings, etc. ....	4,000 00	3,000 00
water for fire protection (contract).....	500 00	500 00
groceries, provisions, and miscellaneous, which shall include pay of the members of the board of trustees \$5.00 each per month for services in attending busi- ness meetings of the board .....	20,000 00	20,000 00
To reimburse the institute for the loss sustained by the forgery perpetrated by R. F. Taylor.....	1,108 00	

**Deaf and Dumb Asylum.**

For salary of superintendent.....	\$2,000 00	\$2,000 00
salary of principal and teacher.....	1,500 00	1,500 00
salary of first assistant teacher.....	1,000 00	1,000 00
second and third assistant teachers.....	1,320 00	1,320 00
fourth, fifth, sixth, seventh, eighth, ninth, and tenth assistant teachers .....	3,840 00	3,840 00
articulation teacher .....	720 00	720 00
salary of art teacher and supplies.....	1,000 00	1,000 00
secretary and steward .....	720 00	720 00
first and second matron.....	960 00	960 00
night watchman .....	360 00	360 00
two laborers .....	480 00	480 00
four washers and ironers.....	720 00	720 00
one baker .....	360 00	360 00
first and second cooks.....	456 00	456 00
engineer .....	720 00	720 00
monitor .....	360 00	360 00
monitress .....	360 00	360 00
expert bookbinder .....	720 00	720 00
expert printer .....	720 00	720 00
expert shoemaker .....	720 00	720 00
expert carpenter .....	720 00	720 00
supplies, provisions, etc., which shall in- clude pay of the members of the board		

	Year ending—	
	February 28, 1890.	February 28, 1891.
of trustees \$5 each per month for services in attending business meetings of the board.....	\$20,000 00	\$20,000 00
For water for fire protection.....	1,000 00	1,000 00
furnishing fund .....	1,500 00	1,500 00
clothing and transportation for indigents.....	1,000 00	1,000 00

**Orphan Asylum.**

All of the available fund belonging to the asylum, for its support and maintenance.

For salary of superintendent.....	\$1,000 00	\$1,000 00
salary of matron .....	500 00	500 00
salary of teacher .....	450 00	450 00
salary of cook .....	300 00	300 00
salary of laundryman .....	300 00	300 00
salary of physician .....	300 00	300 00
farm labor .....	300 00	300 00
maintenance of inmates .....	9,500 00	12,500 00
bedding .....	900 00	
cooking range, table ware .....	400 00	
window curtains, towels, and table linen.....	200 00	
heating apparatus (two buildings).....	3,000 00	
fuel .....	200 00	
barns and out buildings.....	1,000 00	
purchase of mules, horses, cows, and hogs.....	900 00	
wagons, harness and farm implements.....	250 00	

**Department of Education.**

For salary of state superintendent.....	\$2,500 00	\$2,500 00
chief clerk .....	1,800 00	1,800 00
blank clerk .....	1,200 00	1,200 00
bookkeeper and statistical clerk.....	1,500 00	1,500 00
stenographic clerk .....	1,000 00	1,000 00
necessary expenses of state superintendent in visiting schools, organizing teachers institutes, etc.....	500 00	500 00
support of the public free schools for the years ending August 31, 1890, and 1891, all the available public free school fund of said years, less the amount appropriated from the said fund by this act for other purposes.		
support of Sam Houston Normal Institute.....	20,000 00	20,000 00
support of the Prairie View Normal School, to be expended under the supervision of the board of directors of the Agricultural and Mechanical College .....	10,000 00	10,000 00
support of the agricultural and mechanical department of the Prairie View Normal School out of the general revenue .....	2,500 00	2,500 00
To enlarge building and supply equipments of Sam Houston Normal School .....	15,000 00	25,000 00

## State University.

Year ending—  
February 28, 1890.      February 28, 1891.

For the support and maintenance of the State University, all of the available fund, to be under the control of the board of regents, less the appropriation herein made for the Agricultural and Mechanical College; for purchase of grounds in the city of Galveston for the location of the Medical Branch of the University of Texas, the sum of twenty-five thousand dollars, to be paid out of general revenue, or so much thereof as may be necessary: Provided, The city of Galveston or its inhabitants shall donate the sum of twenty-five thousand dollars to be used in addition to the fifty thousand dollars heretofore appropriated by the state for the construction of buildings for said Medical Branch at the city of Galveston.

For support of the university out of the general revenue: Provided, The university spend an equal amount out of the available university fund for completing and furnishing the building, \$25,000.

For the support and maintenance of the Agricultural and Mechanical College out of the general revenue....	19,500 00	\$19,500 00
out of the university fund.....	500 00	500 00

## Public Debt.

For payment of annual interest.....	\$256,062 20	\$256,062 20
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## Deaf and Dumb and Blind Asylum for Colored Youths.

For salary of superintendent.....	\$1,500 00	\$1,500 00
two teachers deaf and dumb.....	1,000 00	1,000 00
one teacher blind .....	500 00	500 00
two teachers in shop work.....	500 00	500 00
matron . .....	300 00	300 00
oculist . .....	250 00	250 00
night watchman .....	250 00	250 00
engineer and plumber .....	500 00	500 00
laundresses . .....	325 00	325 00
salary of one cook.....	360 00	360 00
transportation of indigent pupils.....	100 00	100 00
repair fund .....	1,000 00	1,000 00
furniture . .....	500 00	500 00
groceries, provisions, and miscellaneous, which shall include pay of members of the board of trustees \$5 per month each for services in attending business meetings of the board.....	7,500 00	7,500 00

	Year ending—	
	February 28, 1890.	February 28, 1891.
For farmer and gardener.....	\$250 00	\$250 00
improving grounds .....	125 00	125 00
physician .....	100 00	100 00
clothing for indigent pupils.....	300 00	300 00
tools and apparatus in work shop.....	1,000 00	1,000 00
deficiency .....	650 00	
for water supply .....	800 00	
for electric light plant.....	1,000 00	

#### Agricultural and Mechanical College.

For completing assembly hall.....	\$7,500 00	
furnishing society halls .....	400 00	
And the interest on \$200,000 state bonds held by the Agricultural and Mechanical College fund is hereby further appropriated for the support of the Agricul- tural and Mechanical College.		

#### State Penitentiaries.

The proceeds of all convict labor, and in addition thereto for making up deficiencies in monthly expenses, and to purchase material to carry on prison industries, which shall be paid out by the treasurer on the war- rant of the comptroller whenever demanded by the financial agent .....			\$50,000 00	\$50,000 00
For conveying convicts to the penitentiaries and reforma- tory .....			20,000 00	20,000 00
purchase of literature for convicts.....			500 00	500 00
traveling expenses of superintendent of penitentiaries			500 00	500 00
paying Harmon and Mobley for conveying convicts to reformatory prior to March 31, 1889.....			31 90	

#### Reformatory.

For salary of superintendent.....	\$1,800 00	\$1,800 00
farmer and gardener, who has charge of all work stock .....	360 00	360 00
teacher .....	360 00	360 00
night watchman .....	360 00	360 00
steward and dairyman, who has charge of both build- ings .....	360 00	360 00
physician .....	100 00	100 00
guard of inmates .....	900 00	1,500 00
transportation and clothing of discharged inmates...	75 00	200 00
books, slates, etc.....	50 00	75 00
fuel .....	1,000 00	1,000 00
maintenance, clothing, and provisions.....	5,000 00	5,000 00



	Year ending—	
	February 21, 1890.	February 23, 1891.
For salary of engineer.....	\$480 00	\$480 00
cattle .....	200 00	
salary of superintendent from November 20, 1888, to March 1, 1889 .....	500 00	
salary of trustees from December 6, 1888, to March 1, 1889, now due .....	350 00	
salary of trustees after March 1, 1889.....	250 00	250 00

## Miscellaneous.

For pay of Mrs. C. M. Winkler for service as one of the commissioners in getting up the exhibits of the state of Texas at the world's fair at New Orleans, La. ....	\$360 00
To pay Hulen P. Robinson, messenger appointed to carry the electoral vote of the state of Texas, for expenses incurred in making an extra trip to Washington on account of mistake made by the electors in attesting the electoral vote of this state..... or so much thereof as may be necessary.	250 00
For relief of A. B. Harwell, for services rendered the state while sheriff of Cooke County.....	122 00
relief of B. M. Clopton for board, caring for, and nursing John Bothwell, an escaped lunatic, from August 1 to August 24, 1884, who was severely cut by a negro boy at the depot at Rice, Navarro County, Texas .....	50 00
relief of Dr. H. Sloan, of Rice, Texas, for professional treatment of said lunatic while at the residence of B. M. Clopton .....	25 00
relief of C. R. Cox for services rendered the state while sheriff of Brazoria County.....	76 00
relief of James H. McKinney for services as clerk of the supreme court of the United States.....	6 60
relief of J. G. Cooke for court costs advanced by him at the request of the former attorney-general, in case No. 567, State vs. Johnson et al., in district court of Burnet County .....	256 22
relief of Jas. P. Hart, clerk of the district court of Travis County, Texas, for costs in twenty-five civil cases where suits were instituted by the attorney-general in behalf of the State, and judgment either rendered against the state or costs incurred by the state, and the defendant insolvent, as shown by the executions on file.....	1,280 29

	Year ending—	
	February 28, 1890.	February 28, 1891.
For W. J. Mann, ex-sheriff of Wise County.....	\$258 55	
other officers of said court in said causes.....	344 10	
being in full of all claims due to date to officers of said court.		
relief of Frank Brown, clerk of the county court of Travis County, for costs in seventeen lease suits filed by the county attorney of Travis County in behalf of the state, and that the remedy has been exhausted against the defendants, in full of all claims to date .....	204 50	
For relief of P. D. Hickey, county clerk and clerk of dis- trict court of La Salle County, for court costs in suits instituted by the land fraud board in 1884...	172 50	
For the purchase of a monument to be erected to the memory of the heroes of the Alamo, the same when completed to be placed in the capitol building or grounds .....	15,000 00	
This sum shall be expended by a board of three citizens of this state, to be appointed by the governor, who shall serve without compensation from the state; said board shall have the right to expend not ex- ceeding five hundred dollars of the amount hereby appropriated for the plans and specifications of said monument.		
For the purpose of defraying the expenses in collecting the balance due the state of Texas on the in- demnity claims for frontier protection, and for col- lecting all other claims due this state from the United States government, including the amount due prior to 1862.....	2,000 00	
Or so much thereof as may be necessary, the same to be expended under the direction of the governor, in such manner as he may deem for the best interests of the state.		
For the relief of Whitfield Chalk, a Mier prisoner, who filed his application as such during the existence of the law, and for the payment of which no appro- priation exists, and which is in lieu of bonds he would have received .....	970 00	
To pay H. B. Fontaine for work performed for the capitol commissioners .....	25 00	
To pay T. M. Clark for ice furnished the capitol commis- sioners in 1888.....	4 90	
For pay of presidential electors.....	1,097 80	
fees due sheriffs, clerks, and attorneys for services prior to March 1, 1889, not included in deficiency appropriation .....	40,000 00	

	Year ending— February 22, 1890.	February 22, 1891.
For wit[ness] fees in felony cases.....	\$10,000 00	
justices of the peace, constables, and sheriffs in examining courts .....	8,000 00	
special judges .....	1,500 00	
gas bill of supreme court at Galveston.....	81 49	
stationery bill of Clarke & Courts.....	116 62	
deficiency at Terrell asylum in groceries, fuel, gas, water, contingent and repairs.....	12,600 00	
pay of night watchman in comptroller's office for month of March and to April 6, 1889.....	87 50	
Approved April 8, 1889.		

### ARBOR DAY.

- Sec. 1. Designates the twenty-second of February as "Arbor Day," etc.
2. Emergency clause.

CHAP. 68.—[S. B. No. 277.] An Act setting apart the 22d day of February of each year as "Arbor Day," and to encourage the planting of trees in this state.

Whereas it is desirable to encourage the planting of trees in this state with the view to supplying shade and timber to the prairies and to the preservation of our forests: Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas: That the 22d day of February of each year, the same being now a legal holiday, be further set apart and designated as "Arbor Day," to be devoted to the planting and cultivation of forest, shade, and ornamental trees throughout the state, and to be observed for that purpose in such manner as may seem best to the people of each community.

Sec. 2. Whereas the 22d day of February, A. D. 1889, is now close at hand, and the people of many portions of the state are desirous of inaugurating the celebration of "Arbor Day" as provided for in this bill, there exists an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 24 yeas, no nays; and passed the house by a vote of 87 yeas, 4 nays.]

Approved, February 22, 1889.

ASYLUM—SOUTHWESTERN TEXAS.

Sec.

1. Branch asylum to be established west of the Colorado River.
2. Commissioners to select the site.
3. Report to governor, approval by, title, etc.
4. Board of managers.
5. Governor to appoint superintendent.

Sec.

6. Support and management of said asylum.
7. Building supervisor.
8. There shall be constructed buildings sufficient to accommodate at least 500 inmates, etc.
9. \$150,000 to pay for site, etc.
10. Emergency clause.

CHAP. 69.—[H. B. No. 156.] An Act to provide for the purchase of a site for, and the establishment, location, and construction of an asylum in Southwestern Texas for the care and treatment of the insane, and to make an appropriation therefor.

Section 1. Be it enacted by the Legislature of the State of Texas: That there shall be established and maintained a branch asylum for the care and treatment of the insane. The same shall be located west of the Colorado river, in southwest Texas.

Sec. 2. The governor shall appoint three commissioners, who shall select the site for said asylum, who shall receive the sum of five dollars per day and their actual and necessary expenses incurred during the time of service, which time shall not exceed thirty days, their accounts to be certified to by the president of said board of commissioners and approved by the governor, which shall be sufficient evidence to the comptroller upon which to audit the claim and draw his warrant upon the treasurer for the respective amounts. And said board of commissioners, in selecting the site for said asylum, shall make selection with a view to its accessibility and convenience to the greatest number of inhabitants, the supply of water, building material and fuel, drainage, fertility of soil and healthfulness, together with railroad connections; and the same shall contain not less than six hundred and forty acres; and said commissioners shall take into consideration, in the selection of said site, any donations of land or money which may be offered by competitors for the site of said asylum.

Sec. 3. That when said board shall have made their report to the governor, and the same has been approved by him, they shall, after thorough examination, if they find the title to be good and perfect, take title to the land selected in the name of the state for the use and benefit of the state lunatic asylum.

Sec. 4. The governor shall appoint a board of managers to consist of five persons, citizens of the state, who shall be governed by existing laws, and whose duties shall be the same as now prescribed by Title 8 of the Revised Civil Statutes.

Sec. 5. The governor shall appoint, by and with the consent and advice of the senate, a superintendent of said asylum, whose duties, qualifications, term of office, and emoluments shall be the same as are now or may be hereafter provided by law for the superintendent of the lunatic asylum, said superintendent to enter upon the discharge of his duties as soon as said asylum is ready to be occupied by the state.

Sec. 6. The support and management of said asylum shall be the same in every respect as are provided in Title 8 of the Revised Civil Statutes.

Sec. 7. A building supervisor, who shall be employed by the governor, shall supervise the construction of all buildings erected upon said asylum grounds as provided for in this act.

Sec. 8. There shall be constructed upon said grounds so selected permanent and substantial buildings sufficient to accommodate at least five hundred inmates; said building to be provided with modern improvements for furnishing water, heat, ventilation, sewerage, and lights. And the governor shall, immediately after receiving the report of the commissioner provided for in the second section of this act, advertise for plans and specifications for said

buildings for sixty days; and he, together with the comptroller and treasurer, shall let the contract for the construction of buildings, according to such plan and specifications as they may adopt, to the lowest responsible bidder, who shall give a good and sufficient bond for the completion of said building according to the contract: Provided, That the contract for construction of said buildings shall not be let prior to the first day of January, 1890.

Sec. 9. There shall be appropriated, out of the general revenue of this state not otherwise appropriated, the sum of one hundred and fifty thousand dollars, or so much thereof as may be necessary, for the payment of the land for a site and expenses incurred in procuring the same and the improvements herein provided for.

Sec. 10. The fact that there is a large number of insane persons in the jails of the state who are in need of immediate treatment, creates an emergency, and an imperative public necessity exists requiring the suspension of the constitutional rule which requires bills to be read on three several days in each house, said rule is hereby suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 63 yeas, 30 nays; and passed the senate by a vote of 23 yeas, 5 nays.]

Approved, March 29, 1889.

#### ATTACHMENTS.

- Sec. 1. For the registration of writs of attachment, etc.  
2. Emergency clause.

CHAP. 70.—[S. S. B. Nos. 50 and 52.] An Act to provide for giving notice of attachments levied upon real estate.

Section 1. Be it enacted by the Legislature of the State of Texas: That whenever an attachment is levied upon real estate, the officer levying the writ shall immediately file with the county clerk of the county or counties in which the real estate so levied upon is situated, a copy of the writ, together with a copy of so much of his return as relates to the land in said county. Said clerk shall enter in a book, to be kept for that purpose, the names of the plaintiffs and defendants in attachment, the amount of the debt, and the return of the officer in full. Should the writ of attachment be quashed or otherwise vacated, the court in which the attachment suit is pending shall cause a certified copy of said order to be sent to the county clerk of the county or counties in which the real estate levied upon is situated. Said clerk shall, upon the receipt of the same, enter in the book aforesaid the names of the plaintiffs and defendants and record the order of the court in full. If the real estate levied upon is situated in any county other than the one in which the suit is pending, then, in case of failure to make the record aforesaid, the attachment lien shall not be valid against subsequent purchasers for value and without notice and subsequent lien-holders in good faith. The county clerk of every county in this state shall keep a well bound book for the record of the matters aforesaid, and shall keep a direct and reverse index thereto, in which shall be entered the names of all the plaintiffs and defendants in the various attachments recorded by him, and the order of the court aforesaid shall be indexed in the same manner, and certified copies of such records shall be admissible in lieu of the original writ and entries. Clerks of the county court shall receive the same fees for recording the matter herein

provided for as they are now allowed by law for recording deeds, to be paid by plaintiff, and said fees to be taxed as a part of the costs in the case in which the attachment is issued and paid and collected as other costs. Sheriffs shall receive a fee of one dollar for making the copy and return herein provided for, to be taxed and collected as other costs in the suit.

Sec. 2. The near approach of the close of this session of the legislature and the fact that no law of the kind now exists on our statute books, creates an imperative public necessity and an emergency authorizing the suspension of the constitutional rule which requires bills to be read on three several days, and the said rule is suspended.

[Note.—The foregoing act originated in the senate, and passed the same March 25, 1889; and passed the house April 1, 1889.]

Approved, April 3, 1889.

## BONDS.

Sec.

1. Governor authorized to issue bonds.
2. Denomination of such bonds, etc.

Sec.

3. Bonds to be offered to board of education.
4. Emergency clause.

CHAP. 71.—[S. B. No. 214.] An Act to provide for the issuance of bonds of this state to supply deficiencies in the revenue, and to provide the manner of the sale of such bonds to the board of education for the permanent university fund.

Section 1. Be it enacted by the Legislature of the State of Texas: That the governor be and he is hereby authorized and directed to have issued manuscript bonds of the state of Texas, to be sold, or exchanged at par, for the permanent university fund at any time when there is on hand in cash any reasonable amount of such funds not less than five thousand dollars.

Sec. 2. That said bonds shall be of such denomination as the governor may direct, and shall be redeemable at the pleasure of the state, and shall bear interest at the rate of five per centum per annum, payable annually at the state treasury on the first day of March of each year.

Sec. 3. That bonds issued under this act, the title of which and the date of its passage shall be recited therein, shall be signed by the governor and treasurer and countersigned by the comptroller, and shall be registered in the office of the state treasurer; and after said bonds have been registered the governor shall offer said bonds to the board of education as an investment for the permanent university fund then on hand in cash which are by law authorized to be invested; and if the board of education take said bonds, the treasurer and comptroller shall make the proper entry, showing the facts of the transaction and the necessary transfer of such fund on their books; and if the board of education shall not take said bonds thus offered, the same shall be destroyed and cancelled and of no effect whatever.

Sec. 4. The present condition of the state treasury, and the further fact that the permanent university fund is being continuously invested in United States bonds and the bonds of this state at a great loss to said fund, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be enforced from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 22 yeas, no nays; and passed the house by a vote of 83 yeas, no nays.

Approved, April 2, 1889.

**BONDS.****Sec.**

1. Provides for issuing bonds in the sum of four hundred and ninety-nine thousand dollars.

**Sec.**

2. Sale of such bonds and application of proceeds.
3. As to sale of such bonds to board of education.

**CHAP. 72.**—[S. S. B. No. 188.] An Act to provide for the payment of the bonds of the state issued under an act of the legislature, approved August 5, 1870.

Section 1. Be it enacted by the Legislature of the State of Texas: That the governor of the state is hereby authorized to have prepared manuscript bonds of the state to the amount of four hundred and ninety-nine thousand dollars, payable thirty years from date, to bear interest at the rate of five per centum per annum, said bonds to be redeemable at the option of the state at any time after five years from the date of their issuance, signed by the governor and state treasurer and countersigned by the comptroller.

Sec. 2. The bonds authorized by this act shall be sold by the governor at not less than their face value, and the proceeds arising from the sale thereof shall be applied to the purchase of the bonds issued by authority of the act of August 5, 1870, and payable at the option of the state in 1890: Provided, That this act shall not apply to the bonds of the act of August 5, 1870, that are held by the special funds of the state.

Sec. 3. The governor shall at a reasonable time before the bonds to be redeemed under this act become payable, sell to the board of education, as an investment for the special funds, such an amount of the bonds authorized by section 2 of this act as will be sufficient to redeem such bonds of the act of August 5, 1870, as are not held by the special funds; and when the sale shall have been made, the comptroller shall notify, by publication, the holders of the bonds to be redeemed that the same have been called for redemption, and interest on the same shall cease from the date of the call. The bonds redeemed under this act shall be destroyed by the comptroller in the presence of the governor, and a certificate of the destruction of said bonds shall be signed by the governor and comptroller, giving the numbers and amount of bonds destroyed, which certificates shall be filed in the office of the comptroller.

Approved, April 5, 1889.

**BRAZOS COUNTY.****Sec.**

1. Restores civil jurisdiction to county court of Brazos.
2. Transfer of certain causes from district court.

**Sec.**

3. Duties of district clerk.
4. Repealing clause.
5. Emergency clause.

**CHAP. 73.**—[H. B. No. 455.] An act entitled An Act to restore the civil jurisdiction of the county court of Brazos county, and to repeal all laws in conflict therewith.

Section 1. Be it enacted by the Legislature of the State of Texas: That the county court of Brazos county shall have exclusive original jurisdiction in all civil cases when the matter in controversy shall exceed in value two hundred dollars and not exceed five hundred dollars, exclusive of interest, and concurrent jurisdiction with the district court when the matter in controversy shall exceed five hundred and not exceed one thousand dollars, exclusive of interest, but shall not have jurisdiction of suits for the recovery of land. It shall have appellate jurisdiction in civil cases of which justice courts have original jurisdiction, under such regulations as are now or may hereafter be prescribed by law. In all appeals from justices' courts, there shall be a trial de novo in the county court, and an appeal shall lie to the court of appeals under such regulations as are now or may be prescribed by

law. The county court shall have the general jurisdiction of a probate court. It shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis, and common drunkards, grant letters testamentary and of administration, settle accounts of executors, administrators, and guardians, transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis, and common drunkards, including the settlement, partition, and distribution of estates of deceased persons, and to apprentice minors as provided by law. And the county court or judge thereof shall have power to issue writs of mandamus, injunctions, and all other writs necessary to the enforcement of the jurisdiction of said court, and to issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of the county court or any other court or tribunal inferior to said court.

Sec. 2. That all causes now pending in the district court of Brazos county of which the county court of said county has jurisdiction under the provisions of this act, and all laws giving jurisdiction to the county court, shall be transferred to the county court of said county.

Sec. 3. The clerk of the district court of Brazos county, thirty days from the date this act takes effect, shall transfer to the clerk of the county court of said county all the original papers in causes transferred under this act, together with a certified transcript of all the entries made on the docket of the district court in such causes, and a certified bill of all costs accrued in such causes, and for making out such transcript of the docket the clerk of the district court shall be allowed such fees as are now allowed by law for making out transcripts in cases of appeal, such fees to be taxed as cost in such suits.

Sec. 4. That all laws and parts of laws in conflict with the provisions of this act be and the same is hereby repealed.

Sec. 5. Whereas there is now pending in the district court of Brazos county certain civil cases which under the provisions of this act would be transferred to the county court of said county for trial; and whereas it is to the interest of the public that such cases should be at once transferred so that the same may be disposed of, creates an imperative public necessity, and an emergency exists that this act take effect at once; and the near approach of the close of the present session of the legislature creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 80 yeas, 1 nay; and passed the senate by a vote of 28 yeas, no nays.]

Approved, April 3, 1880.

#### BUCHER AND FOLEY COUNTIES.

- Sec. 1. Attaches Bucher and Foley counties to Brewster for surveying purposes.
- 2. Emergency clause.

CHAP. 74.—[H. B. No. 242.] An Act to attach Bucher and Foley counties to the county of Brewster for surveying purposes.

Section 1. Be it enacted by the Legislature of the State of Texas: That the counties of Bucher and Foley be and they are hereby attached to the county of Brewster for surveying purposes. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 2. The great amount of surveying to be done in the counties to be affected by this act, and the distance to be traveled, creates an imperative



public necessity, and an emergency exists for the suspension of the constitutional rule requiring bills to be read on three several days, and that this bill take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 74 yeas, no nays; and passed the senate by a vote of 25 yeas, no nays.]  
Approved, March 22, 1889.

#### BUTCHERS, ETC.

##### Sec.

1. Butchers and slaughterers required to file bond.
2. Penalty for failure to make such bond.
3. Required to keep record of cattle purchased or slaughtered, etc.
4. Prescribes penalty for purchasing slaughtered cattle unless accompanied by hide and ears, etc.

##### Sec.

5. The record provided for in section 3 to be open for inspection, etc.
6. Penalty for slaughtering animals for sale and failing to produce hides on official demand.
7. Herein as to suits on bond.
8. Fees and records of inspector, etc.
9. Counties exempted from operation of this act.

CHAP. 75.—[S. B. No. 127.] An Act to require butchers and slaughterers of cattle to give a bond, and to prescribe penalties for the violation of the conditions of the same, and to prevent unlawful slaughtering and selling cattle.

Section 1. Be it enacted by the Legislature of the State of Texas: That every person, before he shall set up and carry on the trade of a butcher or slaughterer of cattle in the state of Texas, shall file a bond, to be approved by the county judge of the county in which he desires to carry on the business, in a sum of not less than five hundred dollars nor more than five thousand dollars, payable to the state of Texas, conditioned that he shall keep a true and faithful record, in a book kept for that purpose, of all cattle purchased or slaughtered by him, with a description of the animal, including marks, brands, age, weight, and from whom purchased, and the date thereof; that he will have the hide and ears of such animal inspected by the inspector or some magistrate of the county within five days after it is slaughtered; and that he will not purchase any cattle that has been slaughtered by another unless the hide and ears of such slaughtered animal accompanying said animal offered for sale; and that he will not purchase any animal that has been slaughtered by another, when the ear marks or brands on the hide accompanying such animal when offered for sale, have been changed, mutilated, or destroyed.

Sec. 2. Every person who shall be found carrying on the business of butcher or slaughterer, in the state of Texas, without having filed the bond provided in section one of this act shall be deemed guilty of a misdemeanor and be fined in a sum of not less than fifty nor more than two hundred dollars for every day he shall carry on such business.

Sec. 3. Every person who shall carry on the business of butcher or slaughterer of cattle and shall fail to keep a true and faithful record, in a book kept for the purpose, of all cattle purchased or slaughtered by him, together with a description of each animal, including mark, brand, age, weight, and from whom purchased and the date thereof, or shall fail to have the hide and ears of such animal or animals inspected by the inspector or some magistrate of the county within five days after such animal is slaughtered, shall be deemed guilty of a misdemeanor, and for each offense fined in a sum not less than twenty-five nor more than two hundred dollars.

Sec. 4. Every person who shall carry on the business of butcher or slaughterer of cattle and shall purchase any cattle that has been slaughtered by another without the hide and ears of such animal accompanying the same, or who shall purchase any animal that has been slaughtered by another when

the ear mark or brands on the hide accompanying the same when offered for sale have been changed, mutilated, or destroyed, shall be deemed guilty of a felony, and may upon conviction be punished by a fine not less than twenty-five nor more than five hundred dollars, or by confinement in the penitentiary for a term of not less than one nor more than three years, or by both fine and imprisonment, at the discretion of the jury trying the same.

Sec. 5. The record provided for in section 3 of this act shall be open to inspection of all persons, and any butcher or slaughterer refusing to permit such inspection or examination shall be deemed guilty of a misdemeanor, and on conviction fined in a sum not less than twenty-five nor more than two hundred dollars for each offense.

Sec. 6. Any person who shall slaughter any cattle and offer the same for sale, or shall sell the same, and shall fail or refuse to produce the hide and ears of such slaughtered animal within the time prescribed by this act upon the demand of any officer of the county in which said animal is offered for sale, shall be deemed guilty of a felony, and on conviction may be fined in any sum not less than twenty-five dollars nor more than five hundred, or by confinement in the penitentiary for a term of not less than one nor more than five years, or by both such fine and imprisonment, in the discretion of the jury trying the same.

Sec. 7. Any butcher or slaughterer of cattle who shall violate any of the conditions of the bond referred to in section 1 of this act, in addition to the penalty prescribed in the preceding articles of this act, may be sued upon his bond at the instance of the county or district attorney of the county where such bond is given, and all sums recovered by suits upon said bonds shall be paid into the county treasury and become a part of the available school fund of such county.

Sec. 8. It shall be the duty of the inspector or magistrate who inspects such hides as are mentioned in this act to keep a record of the marks, brands, color, and a general description of such hide, and for whom inspected, with the date of such inspection, and return the same to the clerk of the county court within ten days after such inspection, and shall be entitled to receive the sum of twenty-five cents for each hide so inspected, to be paid by the party having the hide inspected; and any inspector or magistrate who shall fail to keep such record, or shall fail to make such report to the county clerk as provided in this act, shall be deemed guilty of a misdemeanor, and on conviction may be fined in any sum not less than five nor more than twenty dollars for each hide that he shall fail to inspect or report as provided in this act.

Sec. 9. Provided, That the provisions of this act shall in nowise apply to either of the following counties: Bell, Gonzales, Coryell, Hamilton, Mills, Brown, Comanche, Lavaca, Llano, San Saba, McCulloch, Concho, Runnels, Coleman, Travis, Grayson, Cooke, Montague, Colorado, Bexar, Jasper, Newton, Orange, Jefferson, Polk, San Jacinto, Tyler, Chambers, Hardin, Liberty, Harrison, Smith, Upshur, Gregg, Wood, Rains, Bowie, Cass, Morris, Titus, Lee, Bastrop, Fayette, Hill, Johnson, Ellis, McLennan, Falls, Robertson, Milam, Brazos, Galveston, Brazoria, Matagorda, Guadalupe, Caldwell, Hays, Blanco, Comal, Tarrant, Wise, Parker, Jack, Dallas, Nacogdoches, San Augustine, Sabine, Shelby, Panola, Rusk, Hunt, Hopkins, Delta, Franklin, Camp, Angelina, Houston, Leon, Grimes, Madison, Kaufman, Rockwall, Fannin, Lamar, Red River, Van Zandt, Henderson. Cherokee, Bosque, Hood, Erath, Somervell, Collin, Denton, Trinity, Walker, Montgomery, Harris, Austin, Washington, Wharton, Fort Bend, Waller, Burieson, Limestone, and Freestone.

Approved, April 6, 1889.

## CEDING JURISDICTION.

Sec.

1. Vests exclusive jurisdiction in federal government to site for public building in Texarkana.

Sec.

2. Describes lot over which jurisdiction is ceded
3. Emergency clause.

**CHAP. 76.**—[H. B. No. 591.] An Act to vest in the United States of America exclusive jurisdiction over the site and ground for a public building in the town of Texarkana, Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That exclusive jurisdiction over the site and grounds for a public building in the town of Texarkana, Bowie County, Texas, be ceded to and vested in the United States of America, so long as said site and grounds shall be owned or used by the United States of America for all purposes except the administration of the criminal laws of the state of Texas and the service of civil process therein.

Sec. 2. That the site and grounds ceded to the United States of America by this act are described as follows, to wit: All of fractional Block No. (50) fifty in Trigg's addition to the town of Texarkana, Texas, including all the streets, alleys, and State Line Avenue adjoining said fractional block up to the state line between the states of Texas and Arkansas.

Sec. 3. The near approach of the close of the present session of the legislature, and the fact that the United States has no jurisdiction over the land described in section 2, and said land is needed for public buildings, creates an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days in each house, and it is so enacted, and this bill shall take effect from and after its passage.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 79 yeas, no nays; and passed the senate by a vote of 26 yeas, no nays.]  
Approved, March 21, 1889.

## COKE COUNTY—CREATED.

Sec.

1. Creates and defines the limits of Coke County.
2. Named in honor of Richard Coke.
3. Designates committee for organizing this county.
4. Coke County to pay its pro rata share of Tom Green County debts.

Sec.

5. Coke County attached to the thirty-fifth judicial, eleventh congressional, twenty-eighth senatorial, and eighteenth representative districts.
6. Emergency clause.

**CHAP. 77.**—[S. H. B. No. 138.] An Act to create the county of Coke out of Tom Green County, and to provide for its organization.

Section 1. Be it enacted by the Legislature of the State of Texas: That a new county, to be called Coke County, is hereby created out of Tom Green County, to wit:

Beginning at the northwest corner of Runnels County for the northeast corner of Coke County; thence west 34 miles, following the south lines of Nolan and Mitchell counties, to a point to northwest corner of Coke County; thence south 27 miles to a point for southwest corner of said Coke County; thence east 34 miles to a point on the west line of Runnels County for southeast corner of Coke County; thence north 27 miles to beginning.

Sec. 2. Said county of Coke is named in honor of Hon. Richard Coke, United States Senator.

Sec. 3. That D. T. Farley, Z. W. Withers, and T. A. Collier are hereby appointed a committee for the purpose of organizing said county of Coke, and they shall after the expiration of thirty days from the time this act takes ef-

fect lay off said county into four commissioners precincts and convenient justices precincts, not to exceed eight in number; also a convenient voting precinct for the election of county officers and designate places in each of said precincts where elections shall be held. Said committee shall within ten days thereafter order an election to be held for county officers and for selection of a county seat for said county, and they shall appoint presiding officers of elections for each voting precinct as prescribed by law in other cases. The election returns shall be made to said committee, who shall count the votes and issue certificates of election to the persons elected, and shall approve the bonds of said officers and administer to them the oath of office. Said committee shall keep a record of all the proceedings and file the same in the office of the county clerk when elected, who shall record the same; that any two of said committee shall constitute a quorum for the transaction of business, and any one of said committee shall have power to administer the oath of office to the officers elected.

Sec. 4. That the new county shall pay a pro rata share of the existing legal debts of the county from which it is taken, and there shall be set apart so much of the county taxes levied and collected on the property within said new county as shall be sufficient to speedily liquidate said existing debts if any, and said pro rata to be based upon the value of the property for each year of the existence of said debt to be determined from the tax rolls of said county as made by the board of equalization.

Sec. 5. That the county of Coke is hereby attached to the thirty-fifth judicial district for judicial purposes, to the eleventh congressional, twenty-eighth senatorial, and eighteenth representative districts for purposes of representation.

Sec. 6. Whereas the county commissioners court of Tom Green County is about to levy taxes for the present year, therefore an emergency exists and an imperative public necessity requires the rule requiring that bills be read on three several days be suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote 83 yeas, no nays; and passed the senate by a vote of 25 yeas, no nays.]

Approved, March 13, 1889.

# CORPORATIONS—FOREIGN.

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| <p>Sec.</p> <ol style="list-style-type: none"> <li>1. Foreign corporations for pecuniary profit required to file copy of its articles with secretary of state.</li> <li>2. Time within which such corporations now transacting business must comply.</li> <li>3. No such corporation can maintain any suit or action unless complying with provisions hereof.</li> </ol> | <p>Sec.</p> <ol style="list-style-type: none"> <li>4. Corporations exempted from provisions hereof.</li> <li>5. Schedule of fees.</li> <li>6. Permit to extend for period of ten years.</li> <li>7. Evidence.</li> <li>8. Repealing clause.</li> <li>9. Emergency clause.</li> </ol> |
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CHAP. 78.—[S. B. No. 291.] An Act to require foreign corporations to file their articles of incorporation with the secretary of state, and imposing certain conditions upon such corporations transacting business in this state, and to repeal an act approved April 2, 1887, entitled "An Act to require foreign corporations to file their articles of incorporation with the secretary of state, and imposing certain conditions upon such corporations transacting business in the state, and providing penalties for a violation of the same."

Section 1. Be it enacted by the Legislature of the State of Texas: That hereafter any corporation for pecuniary profit (except as hereinafter provided), organized or created under the laws of any other state, or of any territory of the United States, or any municipality of such state or terri-

tory, or of any foreign government, sovereignty or municipality, desiring to transact business in this state, or solicit business in this state, or establish a general or special office in this state, shall be and the same are hereby required to file with the secretary of state a duly certified copy of its articles of incorporation, and thereupon the secretary of state shall issue to such corporation a permit to transact business in this state. If such corporation is created for more than one purpose the permit may be limited to one or more purposes.

Sec. 2. All such corporations now transacting business in this state shall have four months from the date when this act takes effect to comply with the conditions hereof by filing their articles of incorporation as provided in section 1 of this act.

Sec. 3. Hereafter no such corporation can maintain any suit or action, either legal or equitable, in any of the courts of this state upon any demand, whether arising out of contract or tort, unless at the time such contract was made or tort committed the corporation had filed its articles of incorporation under the provisions of this act in the office of the secretary of state for the purpose of procuring its permit.

Sec. 4. The provisions of this act shall not apply to corporations created for the purpose of constructing, building, operating, or maintaining any railway, or to such corporations as are required by law to procure permits to do business from the commissioner of agriculture, insurance, statistics, and history.

Sec. 5. Such corporation shall, if its capital stock be one hundred thousand dollars or less, pay a fee of twenty-five dollars to procure such permit; if its capital stock be more than one hundred thousand dollars, and less than five hundred thousand dollars, it shall pay a fee of fifty dollars; if its capital stock be five hundred thousand dollars, and less than one million dollars, it shall pay a fee of one hundred dollars; if its capital stock exceed one million dollars, it shall pay a fee of two hundred dollars.

Sec. 6. No permit shall be issued for a longer period than ten years from the date of filing such articles of incorporation in the office of the secretary of state.

Sec. 7. Either the original permit or certified copies thereof by the secretary of state shall be evidence of the compliance of [on] the part of any corporation with the terms of this act. A certificate of the secretary of state to the effect that the corporation named therein has failed to file in his office its articles of incorporation shall be evidence that such corporation has in no particular complied with the requirements of this act.

Sec. 8. The act of April 2, 1887, entitled "An Act to require foreign corporations to file their articles of incorporation with the secretary of state, and imposing certain conditions upon such corporations transacting business in the state, and providing penalties for a violation of the same," be and the same is hereby repealed.

Sec. 9. The near approach of the end of this session of the legislature creates an imperative public necessity that the rule requiring bills to be read on three several days be suspended, and it is so suspended.

[Note.—The foregoing act originated in the senate, and passed the same March 14, 1889; and passed the house April 2, 1889.]

Approved, April 3, 1889.

## COUNTY FINANCES.

Sec.

1. County commissioners authorized to compound debts, etc.
2. Application of taxes levied under this act.
3. Taxes levied under this act—how collected.
4. Bond of collector.

Sec.

5. County treasurer to keep separate account of moneys collected under this act.
6. Moneys collected under this act paid over monthly.
7. Expense of collecting—how paid.
8. Repealing clause.
9. Emergency clause.

CHAP. 79.—[S. B. No. 26.] An Act to authorize counties to fund their indebtedness, and to provide means to pay the same.

Section 1. Be it enacted by the Legislature of the State of Texas: That the county commissioners court of any county in this state is hereby authorized and empowered to compromise, compound, settle with, and to fund any existing indebtedness lawfully made and undertaken by such county by authority of law created prior to January 1, 1889, and for this purpose the said commissioners courts are hereby authorized and empowered to issue bonds in denominations of not less than five hundred dollars, with interest coupons payable annually, said bonds to become due and payable in twenty years from the date of their issuance: Provided, That said bonds may be paid off at any time after two years from the date of their issuance if the commissioners court should so elect: And provided further, That such bonds shall not be sold for less than their face or par value; said bonds to bear interest not exceeding six per cent per annum. And the said commissioners courts are further authorized and empowered to levy a tax upon all real and personal property situated in the county, not to exceed twenty-five cents on the hundred dollars on the assessed value of such property in any one year, to pay the annual interest and not less than two per cent annually of the principal of said bonds, beside the expenses of assessing and collecting the same; and no bonds shall be issued under this act until a levy, as herein provided, shall have been made, and when said levy shall have been so made, the same shall continue in force until the whole amount of the principal and interest shall have been fully paid: Provided, That nothing herein shall be construed to authorize any county to levy any tax in excess of that authorized by the constitution and the laws now in force: Provided further, That it shall not authorize the taking up of bonds heretofore issued, and issuing new bonds in lieu thereof.

Sec. 2. All taxes levied under this act shall be applied solely to the objects for which they were levied, as follows:

1. To the payment of the expenses of assessing and collecting the same.
2. To the payment of the annual interest of said bonds and not less than two per cent of the principal; and if there be any excess on hand, after making the above payments for the current year, it shall be used in the purchase and cancellation of said bonds, after the expiration of said five years, as hereinbefore provided.

Sec. 3. All taxes levied under this act shall be assessed and collected in the same manner and by the same officers whose duty it is to assess and collect the state tax, and they shall receive for their services one-fourth the rate of commissions allowed for assessing and collecting the state tax. The same remedies shall be used to enforce the collection of said taxes that are provided by law to enforce the collection of the state tax: Provided, That such taxes shall be assessed and collected separately from that levied, assessed, and collected for current expenses of municipal government, and shall, when levied, specify in the act of levying the purpose therefor.

Sec. 4. The officer whose duty it is to collect the taxes levied under this act shall give a bond, with two or more sufficient sureties to be approved by the county commissioners court, in a sum to be equal to double the estimated

annual amount of said tax, which bond shall be payable to the county, and shall be conditioned for the faithful collection and payment of said tax into the county treasury.

Sec. 5. It shall be the duty of the county treasurer to receive all moneys collected under this act, and to keep separate accounts thereof, and to pay out the same on warrants drawn by the order of the commissioners court in the usual regular form.

Sec. 6. The collector of the taxes levied under this act shall pay over to the county treasurer, at the beginning of each and every month, all moneys he may have collected during the next preceding month, deducting his legal commission on the amount so paid, and he shall, at each regular meeting of the county commissioners court, make a report of his collections and payments to the county treasurer since the next preceding term.

Sec. 7. All expenses necessary to give effect to the provisions of this act shall be paid out of the treasury of the county, and all bonds issued by any county under this act shall be signed by the county judge and attested by the clerk of the commissioners court, with the seal of said court affixed thereto.

Sec. 8. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 9. Whereas many counties in this state are burdened with overdue indebtedness, and are not able to provide for the payment of the same and also to pay their current expenses, therefore an imperative public necessity and an emergency exists that the constitutional rule requiring bills to be read on three several days be suspended; and that this act take effect at once, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same March 19, 1889, and passed the house by a vote of 55 yeas, 22 nays.]

Approved, April 4, 1889.

#### DENTISTRY.

Sec.

1. Makes it unlawful for any one not licensed therefor to practice dentistry—exceptions.
2. For appointment of a board of examiners.
3. Such board to elect officers, adopt rules, etc.
4. Annual meetings of board.
5. Applicants to be granted license.
6. Record book to be kept.
7. Transcripts of record book evidence.

Sec.

8. Defines quorum.
9. Temporary licenses.
10. Penalty for violating provisions of this act.
11. Disposition of fines.
12. Licenses to be recorded.
13. Burden of proof in cases of indictment.
14. Repealing clause.

CHAP. 80.—[S. S. B. No. 153.] An Act to regulate the practice of dentistry in the state of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That from and after the passage of this act it shall be unlawful for any person to engage in the practice of dentistry in the state of Texas, unless said person has obtained license from a board of examiners, duly appointed and authorized by this act to issue such license: Provided, That dentists who have been in the regular practice of dentistry in this state for three years next preceding the passage of this act, shall not be required to submit to an examination, and shall be entitled to a license without fee which shall be transmitted to him by mail or otherwise upon his application accompanied by satisfactory evidence to the fact of his having been in the regular practice for the time required.

Sec. 2. That the board of examiners shall be appointed by the judge of each judicial district, and shall be composed of three reputable dentists re-

siding in said district, who shall hold their offices two years from the date of appointment, and any vacancy shall be filled by the district judge as aforesaid.

Sec. 3. The board shall immediately after appointment select one of their number as president, and one as secretary, and adopt all rules necessary for the transaction of the business that may come before them.

Sec. 4. Said board shall meet annually at some central point in their respective districts to conduct examinations and grant licenses. Notice of the time and place of such meeting shall be given for one month by publication in some newspaper published in the district.

Sec. 5. Any applicant who shall furnish satisfactory evidence of having graduated and received a diploma from any reputable dental college, and any applicants under the provisions of the first section of this act, and all other applicants who undergo a satisfactory examination as to their qualifications and shall pay to the said board a fee of five dollars, to be used for the advertising and incidental expenses, shall be granted license, which license shall entitle the person to whom granted to practice dentistry in any county, where the same has been recorded as required by section 12.

Sec. 6. Said board shall keep a book, in which shall be registered the names of all persons licensed to practice dentistry by said board.

Sec. 7. The book so kept shall be a book of record, and a transcript from it, certified to by the officer who has it in keeping, with the common seal of said board, shall be evidence in any court in this state.

Sec. 8. That two members of said board shall constitute a quorum for the transaction of business, and should a quorum not be present on the day appointed for its meeting, the member present may adjourn from day to day until a quorum be present.

Sec. 9. That one member of said board may grant a license for an applicant to practice, until the next regular meeting of the board, when he shall report the fact, at which time such temporary license shall expire, but such temporary license shall not be granted by a member of the board within one year after the board has rejected the applicant.

Sec. 10. That any person who shall, in violation of the provisions of this act, practice dentistry in this state for a fee or reward, shall be liable to indictment, and on conviction shall be fined not less than one hundred nor more than two hundred dollars; nor shall it be construed to prevent persons from extracting teeth, nor in any way interfere with physicians and surgeons in their practice as such.

Sec. 11. That all fines collected from prosecutions under this act shall be appropriated to the common school fund in the county where collected.

Sec. 12. That every person to whom license is issued by said board of examiners shall, within thirty days from the date thereof, present the same to the clerk of the county in which he resides, who shall officially record said license in a book in his office and shall be entitled to demand a fee of fifty cents for his services, but a temporary license issued under section 9 of this act need not be recorded.

Sec. 13. That on the trial of any person indicted under the provisions of this act, it shall be incumbent upon the defendant, in order to exempt him from the penalties of this act, to show that he has authority, under the law, to practice dentistry in this State.

Sec. 14. That all laws or parts of laws in conflict with this act be and the same are hereby repealed.

Approved, March 27, 1889.



tory, or of any foreign government, sovereignty or municipality, desiring to transact business in this state, or solicit business in this state, or establish a general or special office in this state, shall be and the same are hereby required to file with the secretary of state a duly certified copy of its articles of incorporation, and thereupon the secretary of state shall issue to such corporation a permit to transact business in this state. If such corporation is created for more than one purpose the permit may be limited to one or more purposes.

Sec. 2. All such corporations now transacting business in this state shall have four months from the date when this act takes effect to comply with the conditions hereof by filing their articles of incorporation as provided in section 1 of this act.

Sec. 3. Thereafter no such corporation can maintain any suit or action, either legal or equitable, in any of the courts of this state upon any demand, whether arising out of contract or tort, unless at the time such contract was made or tort committed the corporation had filed its articles of incorporation under the provisions of this act in the office of the secretary of state for the purpose of procuring its permit.

Sec. 4. The provisions of this act shall not apply to corporations created for the purpose of constructing, building, operating, or maintaining any railway, or to such corporations as are required by law to procure permits to do business from the commissioner of agriculture, insurance, statistics, and history.

Sec. 5. Such corporation shall, if its capital stock be one hundred thousand dollars or less, pay a fee of twenty-five dollars to procure such permit; if its capital stock be more than one hundred thousand dollars, and less than five hundred thousand dollars, it shall pay a fee of fifty dollars; if its capital stock be five hundred thousand dollars, and less than one million dollars, it shall pay a fee of one hundred dollars; if its capital stock exceed one million dollars, it shall pay a fee of two hundred dollars.

Sec. 6. No permit shall be issued for a longer period than ten years from the date of filing such articles of incorporation in the office of the secretary of state.

Sec. 7. Either the original permit or certified copies thereof by the secretary of state shall be evidence of the compliance of [on] the part of any corporation with the terms of this act. A certificate of the secretary of state to the effect that the corporation named therein has failed to file in his office its articles of incorporation shall be evidence that such corporation has in no particular complied with the requirements of this act.

Sec. 8. The act of April 2, 1887, entitled "An Act to require foreign corporations to file their articles of incorporation with the secretary of state, and imposing certain conditions upon such corporations transacting business in the state, and providing penalties for a violation of the same," be and the same is hereby repealed.

Sec. 9. The near approach of the end of this session of the legislature creates an imperative public necessity that the rule requiring bills to be read on three several days be suspended, and it is so suspended.

[Note.—The foregoing act originated in the senate, and passed the same March 14, 1889; and passed the house April 2, 1889.]

Approved, April 3, 1889.

COUNTY FINANCES.

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| <p><b>Sec.</b></p> <ol style="list-style-type: none"> <li>1. County commissioners authorized to compound debts, etc.</li> <li>2. Application of taxes levied under this act.</li> <li>3. Taxes levied under this act—how collected.</li> <li>4. Bond of collector.</li> </ol> | <p><b>Sec.</b></p> <ol style="list-style-type: none"> <li>5. County treasurer to keep separate account of moneys collected under this act.</li> <li>6. Moneys collected under this act paid over monthly.</li> <li>7. Expense of collecting—how paid.</li> <li>8. Repealing clause.</li> <li>9. Emergency clause.</li> </ol> |
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CHAP. 79.—[S. B. No. 26.] An Act to authorize counties to fund their indebtedness, and to provide means to pay the same.

Section 1. Be it enacted by the Legislature of the State of Texas: That the county commissioners court of any county in this state is hereby authorized and empowered to compromise, compound, settle with, and to fund any existing indebtedness lawfully made and undertaken by such county by authority of law created prior to January 1, 1889, and for this purpose the said commissioners courts are hereby authorized and empowered to issue bonds in denominations of not less than five hundred dollars, with interest coupons payable annually, said bonds to become due and payable in twenty years from the date of their issuance: Provided, That said bonds may be paid off at any time after two years from the date of their issuance if the commissioners court should so elect: And provided further, That such bonds shall not be sold for less than their face or par value; said bonds to bear interest not exceeding six per cent per annum. And the said commissioners courts are further authorized and empowered to levy a tax upon all real and personal property situated in the county, not to exceed twenty-five cents on the hundred dollars on the assessed value of such property in any one year, to pay the annual interest and not less than two per cent annually of the principal of said bonds, beside the expenses of assessing and collecting the same; and no bonds shall be issued under this act until a levy, as herein provided, shall have been made, and when said levy shall have been so made, the same shall continue in force until the whole amount of the principal and interest shall have been fully paid: Provided, That nothing herein shall be construed to authorize any county to levy any tax in excess of that authorized by the constitution and the laws now in force: Provided further, That it shall not authorize the taking up of bonds heretofore issued, and issuing new bonds in lieu thereof.

Sec. 2. All taxes levied under this act shall be applied solely to the objects for which they were levied, as follows:

1. To the payment of the expenses of assessing and collecting the same.
2. To the payment of the annual interest of said bonds and not less than two per cent of the principal; and if there be any excess on hand, after making the above payments for the current year, it shall be used in the purchase and cancellation of said bonds, after the expiration of said five years, as hereinbefore provided.

Sec. 3. All taxes levied under this act shall be assessed and collected in the same manner and by the same officers whose duty it is to assess and collect the state tax, and they shall receive for their services one-fourth the rate of commissions allowed for assessing and collecting the state tax. The same remedies shall be used to enforce the collection of said taxes that are provided by law to enforce the collection of the state tax: Provided, That such taxes shall be assessed and collected separately from that levied, assessed, and collected for current expenses of municipal government, and shall, when levied, specify in the act of levying the purpose therefor.

Sec. 4. The officer whose duty it is to collect the taxes levied under this act shall give a bond, with two or more sufficient sureties to be approved by the county commissioners court, in a sum to be equal to double the estimated

annual amount of said tax, which bond shall be payable to the county, and shall be conditioned for the faithful collection and payment of said tax into the county treasury.

Sec. 5. It shall be the duty of the county treasurer to receive all moneys collected under this act, and to keep separate accounts thereof, and to pay out the same on warrants drawn by the order of the commissioners court in the usual regular form.

Sec. 6. The collector of the taxes levied under this act shall pay over to the county treasurer, at the beginning of each and every month, all moneys he may have collected during the next preceding month, deducting his legal commission on the amount so paid, and he shall, at each regular meeting of the county commissioners court, make a report of his collections and payments to the county treasurer since the next preceding term.

Sec. 7. All expenses necessary to give effect to the provisions of this act shall be paid out of the treasury of the county, and all bonds issued by any county under this act shall be signed by the county judge and attested by the clerk of the commissioners court, with the seal of said court affixed thereto.

Sec. 8. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 9. Whereas many counties in this state are burdened with overdue indebtedness, and are not able to provide for the payment of the same and also to pay their current expenses, therefore an imperative public necessity and an emergency exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect at once, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same March 19, 1889, and passed the house by a vote of 55 yeas, 22 nays.]

Approved, April 4, 1889.

#### DENTISTRY.

Sec.

1. Makes it unlawful for any one not licensed therefor to practice dentistry—exceptions.
2. For appointment of a board of examiners.
3. Such board to elect officers, adopt rules, etc.
4. Annual meetings of board.
5. Applicants to be granted license.
6. Record book to be kept.
7. Transcripts of record book evidence.

Sec.

8. Defines quorum.
9. Temporary licenses.
10. Penalty for violating provisions of this act.
11. Disposition of fines.
12. Licenses to be recorded.
13. Burden of proof in cases of indictment.
14. Repealing clause.

CHAP. 80.—[S. S. B. No. 153.] An Act to regulate the practice of dentistry in the state of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That from and after the passage of this act it shall be unlawful for any person to engage in the practice of dentistry in the state of Texas, unless said person has obtained license from a board of examiners, duly appointed and authorized by this act to issue such license: Provided, That dentists who have been in the regular practice of dentistry in this state for three years next preceding the passage of this act, shall not be required to submit to an examination, and shall be entitled to a license without fee which shall be transmitted to him by mail or otherwise upon his application accompanied by satisfactory evidence to the fact of his having been in the regular practice for the time required.

Sec. 2. That the board of examiners shall be appointed by the judge of each judicial district, and shall be composed of three reputable dentists re-

siding in said district, who shall hold their offices two years from the date of appointment, and any vacancy shall be filled by the district judge as aforesaid.

Sec. 3. The board shall immediately after appointment select one of their number as president, and one as secretary, and adopt all rules necessary for the transaction of the business that may come before them.

Sec. 4. Said board shall meet annually at some central point in their respective districts to conduct examinations and grant licenses. Notice of the time and place of such meeting shall be given for one month by publication in some newspaper published in the district.

Sec. 5. Any applicant who shall furnish satisfactory evidence of having graduated and received a diploma from any reputable dental college, and any applicants under the provisions of the first section of this act, and all other applicants who undergo a satisfactory examination as to their qualifications and shall pay to the said board a fee of five dollars, to be used for the advertising and incidental expenses, shall be granted license, which license shall entitle the person to whom granted to practice dentistry in any county, where the same has been recorded as required by section 12.

Sec. 6. Said board shall keep a book, in which shall be registered the names of all persons licensed to practice dentistry by said board.

Sec. 7. The book so kept shall be a book of record, and a transcript from it, certified to by the officer who has it in keeping, with the common seal of said board, shall be evidence in any court in this state.

Sec. 8. That two members of said board shall constitute a quorum for the transaction of business, and should a quorum not be present on the day appointed for its meeting, the member present may adjourn from day to day until a quorum be present.

Sec. 9. That one member of said board may grant a license for an applicant to practice, until the next regular meeting of the board, when he shall report the fact, at which time such temporary license shall expire, but such temporary license shall not be granted by a member of the board within one year after the board has rejected the applicant.

Sec. 10. That any person who shall, in violation of the provisions of this act, practice dentistry in this state for a fee or reward, shall be liable to indictment, and on conviction shall be fined not less than one hundred nor more than two hundred dollars; nor shall it be construed to prevent persons from extracting teeth, nor in any way interfere with physicians and surgeons in their practice as such.

Sec. 11. That all fines collected from prosecutions under this act shall be appropriated to the common school fund in the county where collected.

Sec. 12. That every person to whom license is issued by said board of examiners shall, within thirty days from the date thereof, present the same to the clerk of the county in which he resides, who shall officially record said license in a book in his office and shall be entitled to demand a fee of fifty cents for his services, but a temporary license issued under section 9 of this act need not be recorded.

Sec. 13. That on the trial of any person indicted under the provisions of this act, it shall be incumbent upon the defendant, in order to exempt him from the penalties of this act, to show that he has authority, under the law, to practice dentistry in this State.

Sec. 14. That all laws or parts of laws in conflict with this act be and the same are hereby repealed.

Approved, March 27, 1889.

## ECTOR, UPTON, AND CRANE COUNTIES.

Sec.

1. Ector, Upton, and Crane attached to Midland County for judicial and other purposes.

2. Glasscock attached to Howard for judicial and other purposes.

Sec.

3. Repealing clause.

4. Emergency clause.

CHAP. 81.—[S. B. No. 320.] An Act to attach the unorganized counties of Ector, Upton, and Crane to the organized county of Midland for judicial, surveying, and other purposes, and to attach the unorganized county of Glasscock to the organized county of Howard for judicial, surveying, and other purposes.

Section 1. Be it enacted by the Legislature of the State of Texas: That the unorganized counties of Ector, Upton and Crane be and the same are hereby attached to the organized county of Midland for judicial, surveying, and other purposes.

Sec. 2. That the unorganized county of Glasscock be and the same is hereby attached to the organized county of Howard for judicial, surveying, and other purposes.

Sec. 3. That all laws or parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 4. The necessity of the people living in these counties creates an imperative public necessity, and an emergency exists requiring the suspension of the constitutional rule requiring bills to be read on three several days: Therefore, said constitutional rule is suspended, and this act shall take effect from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 24 yeas, no nays; and passed the house by a vote of 92 yeas, no nays.]

Approved, March 21, 1889.

## EXECUTIVE CLEMENCY.

Sec. 1. Authorizes the restoration of citizenship, etc., to convicts.

CHAP. 82.—[S. B. No. 31.] An Act to authorize the governor, when in his judgment the circumstances surrounding each case may warrant him in so doing, to restore to full citizenship, with the right of suffrage, any person who may have been convicted of a felony and who may have served out his time in the penitentiary or have been pardoned.

Section 1. Be it enacted by the Legislature of the State of Texas: That the governor be and he is hereby authorized to restore to full citizenship and the right of suffrage any person who may have been convicted of a felony, when he shall have served out his time in the penitentiary or shall have been pardoned: Provided, That such person shall possess all other constitutional qualifications as shall entitle him to the right of suffrage.

Approved, March 6, 1889.

GREER COUNTY.

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| <p>Sec.</p> <ol style="list-style-type: none"> <li>1. Creates a board of arbitration to determine ownership thereof.</li> <li>2. Appointment and qualification of members of the board.</li> <li>3. Jurisdiction, powers, and duties of the board.</li> </ol> | <p>Sec.</p> <ol style="list-style-type: none"> <li>4. Conclusion of the board to be decisive of the controversy, and to be certified to the governor and president.</li> <li>5. \$10,000 appropriated to defray expenses of the board.</li> <li>6. This act to take effect on passage of like act by congress.</li> </ol> |
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CHAP. 83.—[H. B. No. 16.] An Act to create a board of arbitration to settle and determine the controversy between the United States and the state of Texas relating to certain territory by them respectively claimed, and to make an appropriation therefor.

Whereas a controversy exists between the United States and the state of Texas over the title of that territory lying between the North Fork, or Red River proper, and the South Fork, formerly known as Prairie Dog Town River, east of the one hundredth degree of longitude, the same being designated on the maps of Texas as Greer County; and whereas all efforts heretofore made by and between the United States and the state of Texas for a settlement of said controversy have failed; and whereas it is desirable that said conflicting claims should be finally settled and determined: Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas: That a board of arbitration be and the same is hereby created for the purpose of deciding said controversy and finally determining the ownership of said territory.

Sec. 2. That said board of arbitration shall consist of three persons, who shall be learned in the law, one of whom shall be appointed by the president of the United States, one by the governor of Texas, and the third, who shall be the chief justice of some one of the states other than Texas, shall be agreed upon and appointed by the president of the United States and the governor of Texas.

Sec. 3. That said board of arbitration shall meet at such place or places as may be designated by a majority of its members, and shall have full authority to send for persons and papers, to administer oaths, and to hear and receive testimony in behalf of the respective claims of the United States and the state of Texas, including any evidence heretofore taken and received by the joint boundary commission under the act of congress approved January 31, 1885, and to thoroughly investigate and decide said controversy to the end that it may be definitely settled and determined whether said territory belongs to the United States or the state of Texas.

Sec. 4. That said board of arbitration shall be appointed and enter upon the work hereby assigned them as early as practicable after the passage of an act of similar import to this by the congress of the United States, and shall render their decision as soon as the importance of the issue and a proper investigation thereof will justify; and when said decision is rendered the same shall be by said board of arbitration certified to the president of the United States and the governor of Texas, and shall be recorded in the respective general land offices of the United States and the state of Texas, and said decision shall be final and decisive of said controversy.

Sec. 5. That the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the treasury not otherwise appropriated, to be expended under the direction of the governor of this state, to defray the expenses and for compensation of those members of said board of arbitration appointed by the governor and agreed on by the governor and president: Provided, That the United States shall pay a sum equal to that paid by the state as compensation for that member of said board jointly appointed by the president and governor of Texas.

Sec. 6. That this act shall take effect and be in force as soon as the congress of the United States shall pass an act in accordance herewith.

Approved, February 23, 1889.

## HIDALGO COUNTY—PROTECTION OF COURT HOUSE AND JAIL.

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| Sec.<br>1. Commissioners court authorized to issue bonds for the purposes hereof.<br>2. To levy ad valorem tax for interest and sinking fund. | Sec.<br>3. Limitations of such tax.<br>4. As to payment of interest.<br>5. Bonds—how executed.<br>6. Emergency clause. |
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CHAP. 84.—[S. B. No. 297.] An Act to authorize the county commissioners court of Hidalgo County to issue bonds for the protection of the court house and jail and other property from further erosion of the Rio Grande River, and to levy a tax to pay the interest and principal thereof.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the county commissioners court of Hidalgo County is hereby authorized and empowered to issue the bonds of said county, with interest coupons attached, in such amount as may be necessary, not to exceed ten thousand dollars, to protect the court house and jail of said county and other public property in the same vicinity from further erosion of the Rio Grande River, and to prevent further encroachment of said river; the said bonds running not exceeding ten years, redeemable at the pleasure of the county, and bearing interest at a rate not exceeding eight per cent per annum.

Sec. 2. The commissioners court of said county shall levy an annual ad valorem tax on the property in said county sufficient to pay the interest and create a sinking fund for the redemption of said bonds, not to exceed one-eighth of one per cent for any one year.

Sec. 3. The county shall not issue a larger number of bonds than a tax of one-eighth of one per cent annually will liquidate in ten years, and such bonds shall be sold only at their face or par value.

Sec. 4. The interest on said bonds shall be paid annually on the first day of July, and an account kept by the county treasurer of the amount of principal and interest paid on each.

Sec. 5. The said bond shall be signed by the county judge and countersigned by the county clerk and registered by the county treasurer before they are delivered.

Sec. 6. The fact that the public buildings belonging to said county are in immediate danger from encroachments of the Rio Grande River, creates an imperative public necessity and an emergency, wherefore the rule should be suspended requiring bills to be read on three several days, and this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 26 yeas, no nays; and passed the house by a vote of 79 yeas, 2 nays.]

[Note.—The foregoing act was presented to the governor for his approval on the fourteenth day of March, A. D. 1889, but was not signed by him or returned to the house in which it originated with his objections thereto within the time prescribed by the constitution, and thereupon became a law without his signature.—J. M. Moore, Secretary of State.]

HOUSE OF CORRECTION AND REFORMATORY.

Sec.

1. Control of vested in governor, trustees, and superintendent.
2. Trustees, qualification, compensation, etc.
3. Stated meetings, reports, etc., of trustees.
4. Trustees to formulate by-laws and other duties of.
5. Appointment and salary of superintendent.
6. Superintendent, duties of.

Sec.

7. Purchase of supplies.
8. By-laws, certain requisites of.
9. Mechanical industries.
10. Subordinate officers, employment of.
11. Who confined therein.
12. Verdicts in felony cases.
13. Rights of discharged persons.
14. As to escapes.
15. Prescribing penalties.
16. Emergency clause.

CHAP. 85.—[S. B. No. 51.] An Act to provide for the more efficient government and maintenance of the House of Correction and Reformatory at Gatesville.

Section 1. Be it enacted by the Legislature of the State of Texas: That the government of the house of correction and reformatory, established at Gatesville, in pursuance to an act of March 29, A. D. 1887, shall be vested in the governor, a board of control, who shall be known as trustees, and a superintendent, as hereinafter provided.

Sec. 2. Said board of control shall consist of three trustees, to be appointed by the governor with the advice and consent of the senate, and shall hold their offices for the term of two years, unless sooner removed by the governor: Provided, That such trustees, before entering upon the discharge of their duties, shall take the constitutional oath of office. Such trustees shall each receive the sum of five dollars per day and their actual expenses while engaged in the performance of their duties, for which the comptroller shall issue his warrant on their verified accounts approved by the governor, and two members thereof shall constitute a quorum for the transaction of business: Provided, They shall not receive more than one hundred and fifty dollars per annum each.

Sec. 3. Said trustees shall hold stated quarterly meetings at the reformatory, and shall convene at the seat of government, or at said reformatory in cases of emergency, when thereto called by the governor. It shall be their duty to make full and complete quarterly reports in writing to the governor, covering all the transactions at such meetings and during the preceding quarter, and on or before the 30th day of November of each year to make an annual report in writing to the governor, covering all transactions since their last annual report, fully exhibiting the condition of the institution, together with such suggestions as to the control, government, and management thereof as they may deem necessary or requisite to the interest thereof.

Sec. 4. It shall be the duty of said trustees to take control and supervision of the reformatory, and in this connection they shall elect one of their members chairman at their first meeting, and prescribe rules respecting the conduct of their meetings and business; and at the same meeting they shall formulate a set of by-laws, rules, and regulations for the economic and efficient government and control of said reformatory and house of correction, having in view the objects to be accomplished by the establishment thereof, which by-laws, rules, and regulations shall be reported to the governor for his approval, or for his amendment and approval, and when so approved, or amended and approved, the same shall become binding and of obligatory force upon the trustees, superintendent, subordinate officers, employees and inmates of said institution, and it shall be the duty of the trustees to see to the enforcement thereof, and of the laws of the state in relation to said house of correction and reformatory.

Sec. 5. The governor shall appoint a superintendent, who shall be financial agent for said reformatory and house of correction, and who shall receive for his services the sum of eighteen (\$1800) hundred dollars per annum to be paid quarterly on the comptroller's warrant, based on a verified account ap-



provided by the trustees. Such superintendent shall, before entering upon the duties of his office, take the oath of office prescribed by the constitution, and shall give a bond with two or more good and sufficient sureties to be approved by the governor, in the sum of ten thousand dollars, payable to the governor and his successors in office, conditioned for the faithful discharge of the duties of his office, which bond when so approved, shall be deposited in the office of the secretary of state.

Sec. 6. The superintendent shall have the entire control and management of the house of correction and reformatory, subject to the authority established by law and the by-laws, rules, and regulations adopted by the trustees.

(a) It shall be the duty of the superintendent to keep a register in which he shall enter the reception, previous moral character, habits, and education, so far as can be ascertained, and the discharge, death, escape, commutation of time and punishment inflicted on each person committed to the house of correction and reformatory.

(b) It shall be his duty to obey and carry out all written orders and instructions which he shall from time to time receive from the board or from the governor.

(c) He shall reside at the house of correction and reformatory and be held responsible for the strict enforcement of the laws, by-laws, rules, and regulations and written orders of the trustees and of the governor; he shall see that the buildings are kept in good condition and that good order be observed in all departments.

(d) He shall take the proper measures to promote the healthfulness and cleanliness of the house of correction and reformatory.

(e) He shall keep the books of the reformatory, fully exhibiting all moneys received and disbursed, the source from which received, and the purposes for which the same were expended. Said books shall at all times be open to the inspection of the trustees or of the governor, or any one appointed by the governor or the trustees to make such inspection.

(f) Said superintendent shall make full quarterly reports in writing under oath to the governor, showing in detail the fiscal operations of the reformatory since his last report; and it shall also be his duty to make an annual report of like character to the governor, on or before the 30th day of November of each year, covering in detail all the fiscal operations of the reformatory for the year last past.

(g) He shall purchase all materials and supplies and disburse all moneys appropriated therefor, and shall sell all products raised and all articles manufactured by the inmates, and shall deposit all money realized from the sale thereof in the treasury of the state, taking the treasurer's certificate of deposit therefor.

Sec. 7. All supplies for the house of correction and reformatory which are not therein produced or manufactured shall, so far as can be done advantageously to the state, be procured from the state penitentiaries, under such rules and regulations as the trustees and governor may provide; and the laws, rules, and regulations of said penitentiaries, and the laws relating to and defining the mode and manner of furnishing supplies to the asylums, shall apply to and be complied with in procuring such other supplies as may be needed; and no officer of the house of correction and reformatory shall in any manner be interested in any contract made therefor.

Sec. 8. The by-laws herein provided for shall prescribe rules for the liberal commutation of time to be earned by the inmates for good behavior, and for apprenticing the inmates by the trustees, after a reasonable period of

confinement, when deemed for the best interest of the house of correction and reformatory and the inmates, and for a term not longer than the time for which they were committed, and for tickets of leave, and for reasonable recreation, and for instruction in reading, writing, arithmetic, and habits of industry, sobriety, and in useful arts or trades; but the specification of any subject to be embraced in the by-laws shall not be construed as a limitation of the power of the trustees to make other rules, regulations, and by-laws, as provided for in previous sections of this act.

Sec. 9. In connection with said house of correction and reformatory there shall be established such mechanical industries as the board of trustees may deem proper and advisable, and the inmates shall be placed at such work as the superintendent shall designate; and the trustees shall especially provide that the white and colored inmates shall be kept, worked, and educated separately.

Sec. 10. The superintendent shall employ, with the advice and consent of the trustees, such subordinate officers, teachers, and employes as the governor and trustees shall determine are requisite and necessary to the due conduct and administration of said house of correction and reformatory, whose salaries shall be fixed by the trustees with the approval of the governor.

Sec. 11. In said house of correction and reformatory shall be confined all convicts heretofore transferred thereto or heretofore provided by law to be transferred from the penitentiaries of this state, and all male persons under sixteen years of age who shall hereafter be convicted of a felony in any court in this state, whose term of confinement shall not exceed five years: Provided, Said convicts confined in said house of correction and reformatory shall be required to wear such uniform as may be adopted by the trustees: And provided, No uniform shall be prescribed similar to that now worn by the convicts in the penitentiaries. It shall be the duty of the governor, upon the recommendation of the trustees and superintendent of said house of correction and reformatory, for good behavior and exemplary moral conduct during confinement, to restore to such convicts all their legal rights at the expiration of their respective terms of servitude.

Sec. 12. When upon the trial and conviction of any person in this state of a felony it is found by the verdict of the jury that the defendant is not more than sixteen years of age, and the verdict of conviction is for confinement for five years or less, the judgment and sentence of the court shall be that the defendant be confined in the house of correction and reformatory instead of the penitentiary, for the term of his sentence, and that such defendant be conveyed to the house of correction and reformatory by the proper authority, and there confined for the period of his sentence; and for such service such officer shall be paid the same fees he would be allowed for carrying such convicts to the penitentiary: Providing, The jury convicting shall say in their verdict whether the convict shall be sent to the reformatory or the penitentiary.

Sec. 13. Upon the discharge of any persons so committed to said house of correction and reformatory, the superintendent shall provide them with a suit of suitable clothing and five dollars in money, and procure transportation for them to their homes, if resident of this state, or to the county in which they may have been convicted, or to such other place in the state at which said discharged inmate may have procured employment, at his option: Provided, That such transportation shall not exceed that to the point from which said convict was convicted.

Sec. 14. If any person confined in the house of correction and reformatory shall escape therefrom, it shall be the duty of any sheriff or peace officer

to apprehend and detain him, and to report the same to the superintendent of the house of correction and reformatory, and they shall be returned in the same manner and under the same laws as are provided for the return of convicts escaped from the penitentiaries. And it shall be lawful for any person to apprehend such escaped inmate, and it shall be the duty of any person who apprehends such escaped inmate to immediately deliver him to the sheriff or nearest constable of the county where such arrest has been made, who shall retain him until returned as hereinbefore provided.

Sec. 15. Any person who shall knowingly assist any inmate lawfully confined in the house of correction and reformatory to escape, or who shall knowingly conceal such inmate, or advise or abet the escape of such inmate, or who shall furnish such inmate with money, arms, or any character of means with the purpose of facilitating the escape of such inmate, shall be deemed guilty of a felony, and upon conviction thereof shall be confined in the penitentiary for a term of not less than two nor more than five years.

Sec. 16. The near approach of the close of this session of the legislature, and the fact that the present law creating and governing the house of correction and reformatory is inadequate, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted, and this act take effect and be in force from and after its passage.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 22 yeas, no nays; and passed the house by a vote of 75 yeas, 4 nays.]

Approved, April 2, 1889.

#### INSURANCE—LIFE AND CASUALTY.

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| Sec.   | Sec.   |
| 1. Regulates the admission of foreign life insurance companies, etc. | 3 Exception as to mutual benefit associations. |
| 2. Schedule of fees.   | 4. Emergency clause.                           |

CHAP. 86.—[S. B. No. 256.] An act to provide for the admission from other states of companies or associations carrying on the business of life or casualty insurance on the assessment or natural premium plan.

Section 1. Be it enacted by the Legislature of the State of Texas: That companies or associations organized under the laws of any other state of the United States, carrying on the business of life or casualty insurance on the assessment or natural premium plan, and having cash assets of a sum not less than one hundred thousand dollars, invested as required by the laws of this state regulating other insurance companies, shall be licensed by the commissioner of insurance to do business in this state, and be subject only to the provisions of this act: Provided, however, That such company or association shall first file with the commissioner of insurance a certified copy of its charter, a written agreement, appointing the commissioner of insurance and his successor in office to be its true and lawful attorney, upon whom all lawful process in any action or proceeding against it may be served; a certificate under oath of its president and secretary that it is paying and for the twelve months next preceding has paid the maximum amount named in its policies or certificates in full; a statement under oath of its president and secretary of its business for the year ending December 31 preceding; a certified copy of its constitution and by-laws, and a copy of its policy and application; a certificate from the proper authority in its home state that said company or association is legally entitled to do business in

such home state, and has at least one hundred thousand dollars surplus assets subject to its indebtedness. It shall be the duty of the commissioner of insurance to issue a license to any company or association complying with the provisions of this act, and every such company or association shall annually thereafter, before such license is renewed, file with the commissioner of insurance, on or before the first day of March, a statement under oath of its president and secretary, or like officers, of its business for the year ending December 31, preceding.

Sec. 2. Every such company or association shall pay to the commissioner of insurance, for the use of the state, the following fees: For filing copy of its charter, twenty-five dollars; for filing statement preliminary to admission, twenty dollars; for filing each annual statement after admission, twenty dollars; for license to company or association, one dollar.

Sec. 3. The provisions of this act shall in no wise apply to mutual benefit organizations doing business in this state through lodges or councils, such as the order of Chosen Friends, Knights of Honor, or kindred organizations.

Sec. 4. The near approach of the close of this session of the legislature creates an imperative public necessity, which justifies the suspension of the constitutional rule requiring bills to be read on three several days, and the same is therefore suspended.

[Note.—The foregoing act originated in the senate and passed the same by a vote of 13 yeas, 12 nays; and passed the house April 2, 1889.]

Approved, April 3, 1889.

# IRION COUNTY.

Sec.

1. Creates and defines the boundary of Irion County.
2. Said county to pay the expenses of running the lines.
3. For division of county into election precincts, etc.
4. County Judge of Tom Green to order election, etc.

Sec.

5. Irion County to pay its pro rata share of Tom Green County debts.
6. This county attached to the thirty-fifth judicial, twenty-eighth senatorial, and eightieth representative districts.
7. Emergency clause.

CHAP. 87.—[H. B. No. 290.] An Act to create and provide for the organization of the county of Irion.

Section 1. Be it enacted by the Legislature of the State of Texas: That a new county to be called Irion shall be created out of the area of Tom Green County, with boundary lines as follows:

Beginning at a point on the south line of Tom Green County, due south of the northeast corner of Survey No. 790, on Dove Creek; thence north thirty miles; thence west to a point south of the southeast corner of Glasscock County; thence south thirty miles to the north line of Crockett and Schleicher counties; thence east to the place of beginning.

Sec. 2. That the expense of running and marking the boundary lines of the new county shall be paid by the new county, and each surveyor engaged in running and marking any of said lines shall receive the sum of \$3 for each mile actually run and marked.

Sec. 3. That it shall be the duty of the county commissioners of Tom Green County, within ten (10) days from the enactment of this law, to lay off and divide said new county into convenient precincts for the election of county officers, and also to designate places in the new county where elections shall be held; all of which they shall cause a record to be made by the clerk, and a copy thereof shall be transmitted to the county judge of the new county.

Sec. 4. That the county judge of Tom Green County shall immediately thereafter order an election for county officers and for the location of the

county seat of said new county, and he shall appoint presiding officers, judges and clerks of election, and the election returns shall be made to the county judge of Tom Green County, who shall issue certificates to the persons elected, and shall approve the bonds of such officers and shall administer to them the oath of office.

Sec. 5. That the new county shall pay its pro rata share of the existing legal debt of the county of Tom Green, and county commissioners of the new county shall levy and set apart annually a tax that will be sufficient to speedily pay off and discharge said debt.

Sec. 6. That the new county shall be in the thirty-fifth judicial, the twenty-eighth senatorial, and the eightieth representative districts, and courts shall be held in said new county on the ——— and may continue in session one week.

Sec. 7. Whereas the county commissioners court of Tom Green County is about to levy taxes for the present year, therefore an emergency exists and an imperative public necessity requiring bills to be read on three several days be suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 72 yeas, no nays; and passed the senate by a vote of 25 yeas, no nays.]

Approved, March 7, 1889.

#### IRRIGATION.

Sec.

1. Unappropriated water of rivers may be diverted from its natural channel.
2. Unappropriated waters may be acquired by appropriation for the purposes hereof.
3. Right ceases on cessation of use.
4. Priority of right between appropriators.
5. Appropriators to file for record sworn statement and map.
6. Work to begin and be prosecuted to completion, when.
7. Defines the term "completion."
8. Compliance with preceding provisions deemed to relate back.
9. As to subsequent appropriators.

Sec.

10. Corporations may be formed for purposes of constructing canals, ditches, etc.
11. Corporations formed for the purposes of irrigation as herein provided may exercise the right of eminent domain.
12. Sale of water, etc.
13. Necessary bridges where roads are crossed.
14. Denouncing penalty for injuring irrigating canal, etc.
15. Corporations created for the purposes hereof may acquire lands.
16. Repealing clause.
17. Emergency clause.

CHAP. 88.—[S. H. B. No. 298.] An Act to encourage irrigation, and to provide for the acquisition of the right to the use of water, and for the construction and maintenance of canals, ditches, flumes, reservoirs, and wells for irrigation, and for mining, milling and stockraising in the arid districts of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That the unappropriated waters of every river or natural stream within the arid portions of the state of Texas, in which, by reason of the insufficient rainfall, irrigation is necessary for agricultural purposes, may be diverted from its natural channel for irrigation, domestic, and other beneficial uses: Provided, That said water shall not be diverted so as to deprive any person who claims, owns, or holds a possessory right or title to any land lying along the bank or margin of any river or natural stream of the use of the water thereof for his own domestic use.

Sec. 2. That the unappropriated waters of every river or natural stream within the arid portions of the state, as described in the preceding section of this act, are hereby declared to be the property of the public, and may be acquired by appropriation for the uses and purposes as hereinafter provided.

Sec. 3. The appropriation must be for the purposes named in this act,

and when the appropriator, or his successor in interest, ceases to use it for such purpose the right ceases.

Sec. 4. As between appropriators, the one first in time is the one first in right to such quantity of the water only as is reasonably sufficient and necessary to irrigate the land susceptible of irrigation on either side of ditch or canal.

Sec. 5. Every person, corporation, or association of persons which have constructed or may hereafter construct any ditch, canal, or reservoir, for the purposes named in this act, and taking water from any natural stream, shall, within ninety days after this act goes into effect, or within ninety days after the commencement of such construction, file and cause to be recorded in the office of the county clerk of the county where the head gate of such ditch or canal may be situated, or to which said county may be attached for judicial purposes, in a well bound book to be kept by said clerk for that purpose, a sworn statement in writing, showing the name of such ditch or canal, the point at which the head gate thereof is situated, the size of the ditch or canal in width and depth, and the carrying capacity thereof in cubic feet per second of time, the name of said stream from which said water is taken, the time when the work was commenced, and the name of the owners or owner thereof, together with a map showing the route of said ditch or canal.

Sec. 6. Within ninety days next after the filing of said statement, the party claiming the right to appropriate the water shall begin the actual construction of the proposed ditch, canal, or reservoir, and shall prosecute the work thereon diligently and continuously to completion.

Sec. 7. "Completion," as used in the preceding section, is hereby defined to be the conducting of the water in the main canal to the place of intended use.

Sec. 8. By compliance with the preceding provisions of this act the claimant's right to the use of the water relates back to the time when the work of excavation or construction was commenced on said proposed ditch, canal, or reservoir: Provided: That a failure to file said statement shall in no wise work a forfeiture of such heretofore acquired rights, nor prevent such claimants of such heretofore acquired rights from establishing such rights in the courts.

Sec. 9. When any person, corporation, or association of persons, by compliance with the preceding provisions of this act, shall become entitled to the use of the waters in any river or stream, it shall thereafter be unlawful for any other person, corporation, or association of persons, except for domestic use by any one entitled thereto, to so divert the flow of water in said river or stream in such manner and to the extent of depriving said person, corporation, or association of persons in priority of the use of the water to which they may be so entitled.

Sec. 10. Corporations may be formed and chartered under the provisions of this act and of the general incorporation laws of the state of Texas, for the purpose of constructing, maintaining, and operating canals, ditches, flumes, feeders, laterals, reservoirs, and wells, and of conducting, transferring, and furnishing water to all persons entitled to the same, for irrigation and domestic uses, and for the purpose of building storage reservoirs for the collection and storage of water for the uses before mentioned, and for mining, milling, and stock-raising. All persons who own or hold a possessory right or title to land adjoining or contiguous to any canal, ditch, flume, or lateral, constructed and maintained under the provisions of this act, and who shall have secured a right to the use of water in said canal, ditch, flume, or lateral, shall be entitled to be supplied from such canal, ditch, flume, or lateral with water for the irrigation of such land and domestic uses: Provided, The party

so entitled shall first make available his said land for agricultural or grazing purposes, and shall provide cisterns, wells, or storage reservoirs for water for domestic purposes.

Sec. 11. All corporations and associations formed for the purposes of irrigation as provided in this act, are hereby granted the right of way, not to exceed one hundred feet in width, over all public, university, school, and asylum lands of the state, with the use of the rock, gravel, and timber on the right of way, for construction purposes, and may obtain the right of way over private lands by contract. Any such corporation may also obtain the right of way over private lands by condemnation by causing the damages for any private property appropriated by such corporations or associations to be assessed and paid for as provided in cases of railroads.

Sec. 12. All surplus water not used or disposed of, as provided for in the preceding sections of this act, shall be conducted back to the stream from which it was taken. And all water sold or disposed of may be measured in inches, feet, or fractional portion of the whole supply, or distributed by the hour or acre system. But any person, corporation, or association of persons shall furnish water in the way and manner named in the contract or certificate issued to the purchasers of said water so long as water remains unsold in the ditch: (Provided, That the commissioner of agriculture, insurance, statistics, and history, shall make a report to the legislature at its next regular session, and at each regular session thereafter, as to the cost and expense attending the construction and maintenance of canals, ditches, flumes, feeders, and wells for irrigation in various parts of the state, and accompany the same with a statement of the charges made for the uses of water by canal, ditch, and well companies, and the legislature shall at such times as it deems proper, either by direct legislation or by the creation of a commissioner or water inspector or inspectors with full delegated power, control and regulate the quantity of water which may be diverted by any water company or individual, when and in the manner in which it may be diverted, and may establish and enforce all such reasonable rules and regulations necessary and proper governing and controlling such corporations and water construction companies and persons operating under the provisions of this act, and may also control, regulate, change, and fix the charges for the use of water made by such ditch, canal, and well companies.)

Sec. 13. All said persons, corporations, and associations shall have the right to run along or across all roads and highways necessary in the construction of their work, and shall at all such crossings construct and maintain necessary bridges for the accommodation of the public, and shall not affect or impair the usefulness or condition of said road or highway.

Sec. 14. Any person who shall wilfully or through gross negligence injure any irrigating canal or its appurtenances, wells, or reservoirs, or who shall waste the water thereof, or shall take the water therefrom without authority, shall be deemed guilty of a misdemeanor, and for each offense shall be liable to a fine not exceeding five hundred dollars.

Sec. 15. Any corporation created and organized under the provisions of the general laws of this state or the provisions of this act for the purpose of irrigation, shall have the power to acquire lands by voluntary donation or purchase or in payment of stock or water rights, and to hold and dispose of all such lands and other property, and to borrow money for the construction, maintenance, and operation of its canals, ditches, flumes, feeders, reservoirs, and wells, and may issue bonds and mortgage its corporate property and franchises to secure the payment of any debt contracted for the same: Provided, All lands acquired by said corporation, except such as are used for the

construction, maintenance, and operation of said canals, ditches, laterals, feeders, reservoirs, and wells shall be alienated within twenty years from the date of acquiring said lands or be subject to judicial forfeiture.

Sec. 16. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Sec. 17. Whereas it is necessary that irrigating canals should be built at once to afford water for irrigational purposes for the present year; therefore an emergency exists, and an imperative public necessity demands the suspension of the constitutional rule which requires a bill to be read on three several days, and that this act take effect and be in force from and after its passage.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 69 yeas, 6 nays; and passed the senate by a vote of 21 yeas, no nays.]

Approved, March 19, 1889.

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#### JUDGMENTS—NOTICE OF TRANSFERS OF.

- Sec. 1. Herein as to form of transfers of judgments, etc.  
2. Herein as to notice.

CHAP. 89.—[S. B. No. 148.] An Act to regulate the sale and transfer of judgments of courts of record, and of causes of action or interest therein where suit has been filed thereon, and to provide for recording such transfers.

Section 1. Be it enacted by the Legislature of the State of Texas: That the sale of a judgment, or any part thereof, of any court of record within this state, or the sale of any cause of action, or interest therein, after suit has been filed thereon, shall be evidenced by a written transfer, which when acknowledged in the manner and form required by law for the acknowledgment of deeds, may be filed with the papers of such suit, and when thus filed by the clerk, it shall be his duty to make a minute of said transfer on the margin of the minute book of the court where said judgment is recorded of said court, or if judgment be not rendered when such transfer is filed, the clerk shall make a minute of such transfer on the court trial docket when the suit is entered, giving briefly the substance thereof, for which services he shall be entitled to a fee of twenty-five cents, to be paid by the party applying therefor, and this section shall apply to any and all judgments, suits, claims, and causes of actions, whether assignable in law and equity or not.

Sec. 2. That when said transfer is duly acknowledged, filed, and noted as aforesaid, the same shall be full notice and valid and binding upon all persons subsequently dealing with reference to said cause of action or judgment, whether they have actual knowledge of such transfer or not.

Approved, March 26, 1889.

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#### LANDS.

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| <p>Sec.</p> <ol style="list-style-type: none"> <li>1. All surveys, etc., by virtue of valid alternate certificates reserved from mass of public domain.</li> <li>2. All excesses in such surveys, etc., reserved to school fund.</li> <li>3. In corrections of surveys excess to belong to school fund.</li> </ol> | <p>Sec.</p> <ol style="list-style-type: none"> <li>4. This act not to affect rights of third persons acquired in good faith.</li> <li>5. Not to affect patented lands.</li> <li>6. Emergency clause.</li> </ol> |
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CHAP. 90.—[S. B. No. 167.] An Act to provide for the ascertainment, distribution and sale of the excesses in surveys of land made for the school fund, and to validate surveys of land as herein provided.

Section 1. Be it enacted by the Legislature of the State of Texas: That all surveys and blocks of surveys heretofore made by virtue of valid alternate scrip be and the same are hereby declared to segregate from the mass of the



public domain all the land embraced in said surveys, or blocks of surveys, as evidenced by the corners and lines of same, or by calls for natural or artificial objects, or the calls for the corners and boundaries of other surveys or by the maps and other records in the general land office.

Sec. 2. That all excess in said surveys or blocks of surveys are hereby donated and declared to belong to the public free school fund of the state; and it shall be the duty of the commissioner of the general land office to ascertain, by any and all means practicable, the existence and extent of such excesses, and to provide for and direct such surveys, or corrected surveys, as may be necessary for this purpose: Provided, That where such surveys were made in blocks of two or more surveys, said respective surveys shall remain on the ground consecutively as placed therein, as shown by the maps, sketches, and field notes originally returned to the general land office: Provided, That the person who has already purchased, or who may hereafter purchase from the state, the particular section to which surplus shall by such resurvey be made contiguous, shall have the prior right for the period of six months after such resurvey shall have been made, in which to purchase such excess on the same terms on which such purchaser has already bought or may buy.

Sec. 3. That all such surveys which under the direction of the commissioner of the general land office have been or may be hereafter corrected, so that all excess in the original surveys shall be placed in the surveys belonging to the public free schools, are hereby validated, and the action of the commissioner is hereby ratified; and he is directed and authorized to issue patents to the owners thereof, and to sell such surveys belonging to the public free schools, securing to the state the benefit of such excesses.

Sec. 4. That the provisions of this act shall not apply to nor affect the rights of the third persons heretofore acquired in good faith.

Sec. 5. Provided, That nothing in this act shall apply to any lands for which patents have been issued.

Sec. 6. Whereas there is much confusion and uncertainty in regard to certain lands surveyed in this state, and the rights of actual settlers and purchasers are dependent upon the validity of such surveys, creates an emergency and an imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days, and demanding that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 23 yeas, 1 nay; and passed the house by a vote of 80 yeas, 2 nays.]

Approved, March 22, 1889.

#### LANDS—TO CHANGE SURVEY NUMBERS.

- Sec. 1. Provides for changing survey numbers of school lands, etc.  
2. Emergency clause.

CHAP. 91.—[H. B. No. 504.] An Act to authorize the commissioner of the general land office in certain cases to change the number of surveys made by virtue of alternate land certificates.

Whereas there are conflicting locations made by virtue of alternate land certificates; and whereas the common school or even numbered surveys in the conflicting location are not identical; and whereas uncertainty exists as to what particular surveys belong to the common school fund: Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas: That where the common school or even numbered surveys in conflicting locations, made by virtue of alternate land certificates, are not identical or upon the same land, the commissioner of the general land office may, where he deems it to interest of the state to do so, change the numbers of the surveys in the conflicting locations so as to make the common school or even numbered surveys in both locations identical: Provided, That the commissioner of the general land office shall not change the numbers of surveys without the written consent of the owner of the certificates by virtue of which said surveys are made.

Sec. 2. The fact that said school lands are in immediate demand for actual settlement, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act shall take effect from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 77 yeas, 1 nay; and passed the senate by a vote of 21 yeas, 1 nay.]

Approved, April 8, 1889.

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### LANDS.

Sec.

1. Time of purchases for payments of school lands, etc., extended.

Sec.

2. Proviso as to interest.

3. Emergency clause.

CHAP. 92.—[S. H. B. Nos. 474 and 478.] An Act extending for ten years the payment of the principal of the purchase money for lands purchased under the two acts of the legislature herein named.

Whereas under an act of the legislature of this state providing for the sale of university lands, approved April 8, 1874, and an act of the legislature of this state providing for the sale of the common school lands, approved July 8, 1879, many of said lands were sold on a credit of ten years, the principal bearing ten per cent interest per annum; and

Whereas many of the obligations given for said lands are now due or about to become due, and said purchase money is bringing to the state a higher rate of interest than can be otherwise obtained for the same; and

Whereas it is to the interest of the school and university funds, to which such lands belong, that the time for the payment of the principal of the purchase money be extended: Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas: That all purchasers of said lands under either of the above recited acts, or their assignees, shall have ten years from the date when their original obligations given for said land shall have fallen due within which to pay the principal of said obligations, and no forfeiture of said lands shall be declared on account of the non-payment of the principal of said obligations until the expiration of ten years from date of the maturity of the same as originally made: Provided, This act shall not apply to any purchaser or assignee who shall fail or refuse to pay within twelve months from date of approval of this act all accrued interest due the state on his original obligation or contract.

Sec. 2. Nothing in this act shall be construed to in any respect relieve said purchasers from the payment of interest on said land in the manner or on the terms prescribed in said original acts, nor to prevent a forfeiture of said lands for a failure to comply with the terms of said original obligations in the payment of interest.

Sec. 3. Whereas many of said obligations are now falling due; and whereas it is to the interest of the state that said principal sums yet unpaid shall be left unpaid, so long as the same will bring ten per cent interest; and whereas many of said purchasers will be compelled to make great sacrifices to secure the money to pay said obligations, if compelled to pay the same when due, therefore an imperative public necessity exists for the immediate passage of this bill, and that it take effect from passage; therefore the constitutional rule requiring bills to be read on three several days is hereby suspended, and it is enacted that this bill take effect from and after its passage.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 95 yeas, 2 nays; and passed the senate by a vote of 25 yeas, no nays.]

Approved, March 5, 1889.

#### LAND BOARD—VALIDATING ACTS OF.

##### Sec.

1. Contracts of sale of school and other lands by land board validated.
2. Does not apply to persons failing to make bona fide settlement under their contracts.

##### Sec.

3. Titles of assignees purchased from original vendees of land board validated. Proviso.
4. Patents to land sold by board validated.
5. Emergency clause.

CHAP. 93.—[S. H. B. No. 21.] An Act to make valid and confirm certain contracts of sale made by the land board of the state of Texas with divers persons for the sale of certain of the free school, university, and asylum lands of the state of Texas, sold under the act of the legislature of the state of Texas, approved April 12, 1883.

Whereas the land board of the state of Texas, duly appointed for that purpose, did make contracts under the act of April 12, 1883, for the sale to certain divers persons of the free school, university, and asylum lands of this state; and

Whereas many of such persons acting in good faith, believing that the said contracts were valid and binding and secured to them the right to acquire valid titles to said land by a compliance therewith, have paid to the state a part of the purchase price of the said lands and interest on the amount of the said contract price for several years; and

Whereas it has been found that the said contracts were made by the said land board in many instances without a strict compliance with the requirements of the said law, whereby the said contracts are rendered invalid and said purchasers have failed to acquire any right under the said purchases and contracts so made; and

Whereas it is inequitable and unjust that the said parties so acting in good faith, who have complied with their said contracts should be deprived of their equities so attempted to be acquired and which the state in good faith intended to confer upon them, by reason of the failure of the said land board to comply with the technical requirements of said law, and thus lose the benefit of what they have paid on said contracts and be deprived of the said lands: Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas: That all contracts made by the land board of the state of Texas for the sale of the free school, university, and asylum lands under the act of April 12, 1883, to any person who has in good faith made such purchase and in good faith has complied with the requirements of said act, the rules and regulations of the state land board, and the terms and conditions of his said contract, shall be and are hereby made valid and binding upon the state in the same manner as if the said land board had in all particulars complied with the requirements of the said law.

Sec. 2. This act shall not apply to any person or persons who have failed to make a bona fide settlement upon the said land in such case as by the terms of his contract or the requirements of said land board settlement was required, nor to any person or persons who entered into such contracts of purchase under the agreement or promise on their part that actual settlement should be made thereon, unless he or they have made such actual settlement in good faith as required.

Sec. 3. The title of all vendees or assignees who on the first day of January, 1889, were actual bona fide settlers upon any land purchased from the aforesaid land board, holding said land under deed or regular chain of title from the original purchasers, and who are still residing upon said land—in cases where the original purchaser failed to comply with the law and the requirements of said land board as to settlement and occupancy, but where the annual installments of interest have been paid—are hereby validated and confirmed: Provided, The provisions of this section shall not refer to nor include more than one section of agricultural or three sections of grazing lands.

Sec. 4. All patents heretofore issued for any lands sold by the state land board under the act of April 12, 1883, are hereby validated.

Sec. 5. The unsettled condition of the title to the lands as aforesaid, and the injustice to many citizens that has or may flow from the failure of said land board to comply with the requirements of the law in making said sales, creates an imperative public necessity and an emergency, which authorizes the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended, and this act will take effect from and after its passage.

Approved, March 12, 1889.

#### LANDS.

Sec.

1. Relocations by certificates in general land office and without copies validated, etc.
2. Former locations through any district validated.

Sec.

3. This act not to affect rights of third parties.
4. Emergency clause.

CHAP. 94.—[S. B. No. 269.] An Act to validate certain surveys which for any reason might be deemed invalid, and to authorize the commissioner of the general land office to issue patents therefor.

Section 1. Be it enacted by the Legislature of the State of Texas: That in all cases where parties resurveyed or relocated lands by virtue of any valid land certificates previously surveyed and on file in the general land office, without having taken out certified copies thereof, and thereby failed to comply strictly with the law, such last named survey, which in law might be deemed a relocation, shall be valid and the owner shall hold thereunder thereby abandoning all other surveys previously made, and the commissioner of the general land office is authorized to issue patents therefor.

Sec. 2. That all surveys heretofore made by any county or district surveyor, which would otherwise be valid, shall not be called in question on account of said surveys having been made outside of the proper county or district, but said surveys shall be valid the same as if the said surveyor had jurisdiction in the territory embracing the same.

Sec. 3. The provisions of this act shall not apply to nor affect the rights of third persons heretofore acquired by virtue of any purchase from the state location or surveys made in accordance with the laws in force at the time of such location and survey.

Sec. 4. Whereas there is much confusion and uncertainty in regard to

certain lands surveyed in this state, and the rights of actual settlers and purchasers are dependant upon the validity of such surveys, creates an emergency and imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days, and demanding that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 27 yeas, no nays; and passed the house by a vote of 70 yeas, 11 nays.]

Approved, April 16, 1889.

#### LANDS—UNORGANIZED COUNTY SCHOOL.

Sec.

1. Commissioner of land office authorized to lease lands of unorganized counties.

Sec.

2. Control of lands vests in the county upon organization.
3. Emergency clause.

CHAP. 95.—[S. B. No. 143.] An Act to provide for leasing the unorganized county school leagues.

Section 1. Be it enacted by the Legislature of the State of Texas: The commissioner of the general land office is hereby authorized to lease, for a term of not exceeding ten years, at a price not less than two cents per acre, the three hundred and twenty leagues of land set apart and surveyed in the year 1882 for the unorganized counties of the state, situated in the counties of Hockley, Cochran, Bailey, Lamb, Andrews, Martin, Dawson, and Grimes, under the same rules and upon the same terms as are prescribed by law for the lease of the university lands. The proceeds of such lease shall be paid into the state treasury and become a part of the available school fund of the state.

Sec. 2. Whenever any county entitled to said lands shall be organized, the control of said lands belonging to such county shall vest in the commissioners court of such county, and any lease money thereafter becoming due, shall be payable to such county, but all leases executed before such organization of the county shall be binding for the full term thereof.

Sec. 3. There being no law requiring or providing for the lease of said land creates an emergency, and the importance of this bill creates an imperative public necessity requiring the suspension of the rule requiring bills to be read on three several days, and said rule is hereby suspended.

[Note.—The foregoing act originated in the senate, and passed the same March 25, 1889; and passed the house April 6, 1889.]

Approved, April 8, 1889.

#### LANDS—MILAM COUNTY SCHOOL.

Sec.

1. Provides for warrants to reimburse settlers for amounts paid on pre-emptions of Milam County school lands.

Sec.

2. \$1500 appropriated for purposes of this bill.
3. Emergency clause.

CHAP. 96.—[H. B. No. 310.] An Act for the relief of settlers upon the Milam County school lands located in Hood County, and to make an appropriation therefor.

Whereas under an act of the legislature of the state of Texas, approved July 21, 1870, certain settlers on the Milam County school lands, located in Hood County, bought their pre-emption claims from the state of Texas at the rate of fifty cents per acre, and received patents therefor from the state; and

whereas the supreme court has declared said law unconstitutional and said patents void; and whereas the said settlers, or their assigns, have lost said lands at the suit of Milam County, and said parties have given notice of their intention to apply for relief at the hands of the Twenty-first Legislature, and ask to be reimbursed in their purchase money with lawful interest:

Section 1. Be it enacted by the Legislature of the State of Texas: That upon proper proof being made to the comptroller of public accounts that the said settlers, or their assigns, who then owned and paid for said pre-emption surveys and lost the same through the courts of this state, that the said comptroller is authorized and ordered to draw a warrant on the state treasurer in favor of each of said settlers, or his assigns, for the amount or amounts paid by him to the state for said pre-emption claims.

Sec. 2. That the sum of fifteen hundred dollars, or so much thereof as may be necessary, be appropriated out of the general revenue not otherwise appropriated to pay the same.

Sec. 3. The near approach of the end of the present session of the legislature, and the great probability that this bill will not be reached on the regular call of business before the end of the same, creates an emergency, and an imperative public necessity exists requiring the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is so suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 86 yeas, no nays; and passed the senate by a vote of 23 yeas, no nays.]

Approved, March 6, 1889.

#### LA SALLE AND MILLS COUNTIES.

**Sec.**

1. Jurisdiction of county courts of La Salle and Mills limited to probate matters, etc.
2. Duty of clerks of said courts.
3. Appeals from justices, etc.

**Sec.**

4. As to executions on existing judgments.
5. Repealing clause.
6. Emergency clause.

CHAP. 97.—[H. B. No. 552.] An act to diminish the civil and criminal jurisdiction of county courts of La Salle and Mills counties.

Section 1. Be it enacted by the Legislature of the State of Texas: That the county courts of La Salle and Mills counties shall have and exercise the general jurisdiction of a probate court; shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis, and common drunkards; settle accounts of executors, administrators, and guardians; transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis, and common drunkards, including the partition, settlement, and distribution of estates of deceased persons, and to apprentice minors as prescribed by law, and to issue all writs necessary for the enforcement of its own jurisdiction, and to punish contempts under such provisions as may be prescribed by general laws governing county courts, and to have and exercise general jurisdiction over questions of eminent domain as prescribed by law, but said county courts shall have no other jurisdiction, civil or criminal.

Sec. 2. It shall be the duty of the county clerks of La Salle and Mills counties, within twenty days after the passage of this act, to make a full and complete transcript of all orders on the dockets of said county courts in cases still pending in said courts, of which cases the district courts of said counties

shall have exclusive jurisdiction, and to deliver said transcript, together with the original papers in such cases and a certified bill of costs in each case, to the clerks of the district courts of said counties, and said district clerks shall enter said cases on the dockets of the district courts of said counties for trial by said district courts, and all process now issued and returnable to the county courts of said counties of which the district courts are given jurisdiction by this act, shall be returnable to the district courts of said counties by the officer executing the same, and all cases transferred by this act shall stand on the docket of the district courts of counties as appearance cases, and shall be tried by the district courts of said counties as other cases, and the said district courts shall exercise all the civil and criminal jurisdiction heretofore vested in said county courts by the constitution and laws but directed by this act.

Sec. 3. All appeals from justices and mayors or recorders courts of said counties shall be to the said district courts, and the district courts may render judgment on all cost bonds heretofore filed or that may be filed in said counties up to the time this act takes effect in the county courts of said counties.

Sec. 4. The clerks of the county courts of said counties shall issue execution upon all judgments that may have been rendered in said courts and collect the same as now allowed by law, but all suits that may arise out of any execution by injunction or trial of the rights to property shall be filed in and tried by the district courts of said counties.

Sec. 5. That all laws in conflict with this act be and the same are hereby repealed.

Sec. 6. That in order to give regularity in the proceedings of said courts and to save expense to said counties, an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days should be suspended, it is so suspended, and this act shall take effect and be in force from and after its passage.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 78 yeas, no nays; and passed the senate by a vote of 25 yeas, no nays.]

Approved, March 27, 1889.

#### LIENS—MECHANICS, ETC.

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| Sec.   | Sec.   |
| 1. In favor of whom lien attaches.   | 12. Notice to owner operating in nature of garnishment.                          |
| 2. Time when lien is to be filed.  | 13. Diligence deemed sufficient to affirm liability of owner.                    |
| 3. Written notice to the owner, etc.   | 14. Duty of original contractor to defend suits on liens by subcontractors, etc. |
| 4. Form of fixing lien on unwritten contract when material, etc., is furnished to owner. | 15. Indebtedness deemed to accrue, when.   |
| 5. Form affixing lien when labor is furnished to contractor.                             | 16. Liens upon equal footing without reference to date of filing.                |
| 6. Description of premises, etc., to fix lien on written contract.                       | 17. Lien barred after twelve months unless sued on.                              |
| 7. Lien in city or town—what included.   | 18. Satisfaction and relinquishment of lien.                                     |
| 8. Priority of lien.   | 19. Repealing clause.  |
| 9. As to possession and removal when improvements are separately sold.                   | 20. Emergency clause.  |
| 10. Sales must be judicial.  |  |
| 11. Liens upon homesteads.   |  |

CHAP. 98.—[S. S. B. No. 55.] An Act to provide for the speedy and efficient enforcement of the liens of mechanics, contractors, subcontractors, builders, laborers, and material men, and to repeal all existing laws and parts of laws in conflict with the provisions of this act.

Section 1. Be it enacted by the Legislature of the State of Texas: That any person or firm, lumber dealers, artisan, laborer, mechanic, or subcontractor, who may labor or furnish material, machinery, fixtures, or tools to

erect any house or improvement, or to repair any building or improvement whatever, under or by virtue of contract with the owner or his agent, trustee, contractor, or contractors, upon complying with the provisions of this act, shall have a lien on such house, building, fixtures, or improvements, and shall also have a lien on the lot or lots of land necessarily connected therewith to secure payment for labor done, lumber, material, machinery, or fixtures, and tools furnished for construction or repair.

Sec. 2. In order to fix and secure the lien herein provided for, it shall be the duty of every original contractor, within four months, and every journeyman, day laborer, or other person seeking to obtain the benefits of the provisions of this act, within thirty days after the indebtedness shall have accrued, to file his or their contract in the office of the county clerk of the county in which such property is situated, and cause the same to be recorded in a book to be kept by the county clerk for that purpose: Provided, That if such journeyman, day laborer, or other person have no written contract, it shall be sufficient for them to file an itemized account of their claim, supported by affidavit, showing that the account is just and correct, and that all just and lawful offsets, payments, and credits known to the affiant have been allowed.

Sec. 3. Any person or firm who may furnish any material to any contractor, to be used in the erection of any house, building, or improvement, or to repair any house, building, or improvement, by giving written notice to the owner of such house, building, or improvement, or his agent or representative, of each and every item as it is furnished, and by showing how much there is due and unpaid on each bill of lumber furnished by said lumber man or material man under said contract, at any time within ninety days after the indebtedness shall have accrued, fix and secure the lien provided for in this act as to the material furnished at the time or subsequent to the giving of the written notice above provided for, by filing in the office of the county clerk of the county in which such property is situated, an itemized account of his or their claim, as provided in this section, and cause the same to be recorded in a book kept by the county clerk for that purpose: Provided, That any lien fixed and secured under this section shall attach to the house, building, or improvements, and also to the lot or lots on which said building or buildings are situated: Provided, That in no case shall the owner be compelled to pay a greater sum for or on account of labor performed or material, machinery, fixtures, and tools furnished, as provided in this act, than the price or sum stipulated in the original contract between such owner and the original contractor or builder for such house, building, fixtures, improvements, or repairs.

Sec. 4. If there be no written contract it shall be the duty of the person seeking to obtain the benefits of this act, to deliver to the clerk of the county court a sworn account as provided for in sections two and three, to be filed and recorded as therein provided, and in such case, when the labor is performed for or the material is furnished to the owner of the building or improvement, the following form may be used and will be sufficient to fix the lien contemplated by this act:

THE STATE OF TEXAS, }  
 ..... County. } A. B., affiant, makes oath and says: That  
 the annexed is a true and correct account of the labor performed (or material  
 furnished) C. D., of ..... county, Texas, and that the prices thereof  
 as set forth in said account hereto annexed are just and reasonable and the  
 same is unpaid; that said labor was performed (or material furnished, or both)  
 for said C. D., at the time in said account mentioned, under and by virtue of



a contract between affiant and C. D., and that due notice was given by affiant of the labor performed or material furnished, in accordance with section 3; and affiant further makes oath and says that he is informed and believes that C. D. was, at the time said contract was made and entered into and said labor was performed (or material furnished), the owner of the house or improvements described as follows: (Here describe the house or improvement.) And that said house (or improvement) is situated upon a certain lot or tract of land which affiant is informed is owned by said C. D., and which is described as follows: (Here describe the lot or tract of land.) And this affiant claims a lien upon said house (or improvements) and upon said land: Provided, however, A substantial compliance with the above form shall be deemed sufficient.

Sec. 5. If the labor performed for or the material is furnished to a contractor or builder, and not to the owner of the property, then the following form shall be deemed sufficient to fix the lien provided for by this act:

THE STATE OF TEXAS, {

..... County. { A. B., affiant, makes oath and says: That the annexed is a true and correct account of the labor performed for (or material furnished to) C. D., a contractor (or builder), by affiant (or other person), and the prices thereof as set forth in the annexed account are just and reasonable, and the same is unpaid (or the sum of ..... dollars, as shown by said account, unpaid), after allowing all just and lawful offsets, payments, and credits known to affiant; that said labor was performed (or material furnished, or both) for or to said C. D., to be used in the erection of a house (or building or improvement, or in repairing of a house, building, or improvement) owned, as affiant is informed and believes, by E. F., of ..... county, state of Texas, and that said labor was performed (or material furnished, or both) to or for said C. D., under and by virtue of a contract between affiant (or other party) and said C. D. (And in case of material furnished, affiant shall further swear that he has given to the owner, his agent, or representative, notice in writing of each item of said account, as required in section 3, as the same was furnished to said C. D.): Provided, however, That a substantial compliance with the above form shall be deemed sufficient to fix and secure the lien.

Sec. 6. In case the contract is filed and recorded as provided for in the second section of this act, a like description of the house, building, or improvement and the lot or tract of land shall accompany the same as is required in the foregoing forms, except that the same is not required to be under oath.

Sec. 7. When the contract or account is filed and recorded as required by the preceding sections of this act, it shall be deemed sufficient diligence to fix and secure this lien. If this lien is against land in a city, town, or village, it shall extend to or include the lot or lots upon which such house, building, or improvement is situated, or upon which such labor was performed; and if the lien is against land in the country, it shall extend to and include fifty acres upon which such house, building, or improvement is situated, or upon which such labor has been performed.

Sec. 8. The lien herein provided for shall attach to the houses, buildings, or improvements for which they were furnished or the work was done in preference to any prior lien or incumbrance or mortgage upon the land upon which houses, buildings, or improvements have been put or labor performed, and the person enforcing the same may have such house, building, or improvement sold separately: Provided, Any lien, incumbrance, or mortgage on the land or improvement at the time of the inception of the lien

herein provided for, shall not be affected thereby, and holders of such liens need not be made parties in suits to foreclose liens herein provided for.

Sec. 9. When the house, building, or improvements are sold separately, the officer making the sale shall place the purchaser in possession thereof, and such purchaser shall have the right to remove the same within a reasonable time from the date of the purchase.

Sec. 10. Every sale must be upon judgment rendered by some court of competent jurisdiction, foreclosing such lien and ordering sale of such property.

Sec. 11. When material is furnished, labor performed, erections or repairs made upon a homestead, if the owner thereof is a married man, then to fix and secure the lien upon the same, it shall be necessary for the person or persons who furnished the material or performed the labor, before such material is furnished or labor is performed, to make and enter into a contract in writing, setting forth the terms thereof, which shall be signed by the owner and his wife, and privily acknowledged by her, as is required in making sale of homestead. And such contract shall be recorded in the office of the county clerk in the county where such homestead is situated, in a well bound book to be kept for that purpose: Provided, When such contract has been made and entered into by the husband and wife and the contractor or builder, and the same has been recorded, as heretofore provided, then the same shall inure to the benefit of any and all persons who shall furnish material or labor thereon for such contractor or builder.

Sec. 12. Every person, except the original contractor or builder, or those claiming under the third section of this act, who may wish to avail himself of the benefits of this act, shall give at least ten days notice in writing before the filing of the lien, as herein required, to the owner or owners, or agent, or either of them, that he holds a claim against such house, building, or improvement, setting forth the amount, and from whom the same is due; and thereafter said owner or owners, or agent, shall be authorized to retain in his hands the amount claimed until the same is settled or determined not to be owing.

Sec. 13. A compliance with the provisions of the preceding section shall be deemed sufficient diligence to fix the liability of the owner of such house, building, or improvement for the payment of such demand, subject to the subsequent provisions of this act.

Sec. 14. In all cases when a lien shall be filed under a provision of this act, by any person other than the original contractor or builder, it shall be the duty of the original contractor to defend any action brought thereupon, at his own expense, and during the pending of such action, the owner may withhold from the contractor or builder the amount of money for which such lien shall be filed, and in case of judgment against the owner or his property upon the lien, he shall be entitled to deduct from any amount due by him to the contractor the amount of said judgment and costs, and if he shall have settled with the contractor or builder in full, he shall be entitled to recover back from the contractor any amount so paid by the owner for which the contractor or builder was originally the party liable. But no owner or proprietor shall in any case be required to pay, nor his property be liable for any money that he may have paid to the contractor before the fixing of the lien or before he has received written notice of the existence of the debt, and all subcontractors, laborers, and material men shall have preference over other creditors of the principal contractor or builder: Provided further, A copy of each bill of lumber furnished to the contractor or builder, as the same is furnished, shall be delivered to the owner of said homestead, said bill specify-

ing each item so furnished, how much is paid thereon, and what is due for lumber or material furnished for said contract prior thereto: Provided, When the debt is paid under the contract for such building or improvements, the party for whose interest the contract was recorded shall enter a relinquishment showing a full compliance of said contract to the extent of all money due them from the original contractor or builder on account of labor done or material furnished, and the money due said original contractor or builder from the person owning or having improvements made shall not be garnished by other creditors to the prejudice of such subcontractors, mechanics, laborers, or material men.

Sec. 15. When labor is performed by the day or week, then the indebtedness shall be deemed to have accrued at the end of each week during which labor is performed. When material is furnished the indebtedness shall be deemed to have accrued at the date of the last delivery of such material, unless there is an agreement to pay for such material at a specified time.

Sec. 16. The liens for work and labor done or material furnished, as provided in this act, shall be upon an equal footing, without reference to date of filing the account or lien, and in all cases when a sale shall be ordered and the property sold, which may be described in any account or lien, the proceeds arising from such sale, if not sufficient to discharge all the liens against the same, without reference to the date of filing the account or lien, shall be paid pro rata on the respective liens: Provided, Such accounts or liens shall have been filed and suit brought as provided by this act: Provided, That nothing in this act shall be so construed as in any manner affecting the contract between said owner and original contractor as to the amount, manner, or time of payment of said contract price.

Sec. 17. The lien created by this act shall cease to be operative after twelve months after the same is fixed, unless suit is brought within said time to enforce such lien.

Sec. 18. All parties who are authorized under this act to file a lien, and have done so, and had such lien recorded, shall, when such lien is paid or satisfied, or have received their proper lienable parts for which the owner of the building would be liable under this act, shall record a relinquishment and satisfaction of such lien.

Sec. 19. All laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 20. It being important that the benefits of this act be realized at once, because the parties to be benefited by this act have no adequate protection under existing laws, creates an emergency and an imperative necessity that the constitutional rule requiring bills to be read on three several days should be suspended, and this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same February 18, 1889; and passed the house by a vote of 44 yeas, 29 nays.]

Approved, April 5, 1889.

LIEN—LIVE STOCK.

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| <p>Sec.</p> <ol style="list-style-type: none"> <li>1. Lien of keeper of stallion, etc., on progeny.</li> <li>2. Period for which such lien shall remain in force, etc.</li> <li>3. Manner of fixing lien where contract is in writing.</li> </ol> | <p>Sec.</p> <ol style="list-style-type: none"> <li>4. Manner of securing when contract is verbal.</li> <li>5. Contract, written or sworn to, to contain description of mother of progeny.</li> <li>6. Emergency clause.</li> </ol> |
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CHAP. 99.—[H. B. No. 154.] An Act to confer upon the owner or keeper of any stallion, jack, or bull, a lien on the progeny thereof.

Section 1. Be it enacted by the Legislature of the State of Texas: That the owner or keeper of any stallion, jack, or bull, who keeps the same confined for the purpose of standing them for profit, shall have a preference lien upon the progeny of such stallion, jack, or bull, to secure the payment of the amount due such owner or keeper for services of such stallion, jack, or bull, and such lien may be foreclosed in the same manner as other mortgage liens upon personal property in this state: Provided, That where parties misrepresent their stock by false pedigree no lien shall obtain.

Sec. 2. The lien herein provided for shall remain in force for the period of twelve months from the birth of said progeny, but shall not be enforced until six months shall have elapsed after such birth.

Sec. 3. In order to fix and secure the lien provided for the owner or keeper shall have the right at any time within sixty days after such service by such stallion, jack, or bull is rendered, to file his contract in the office of the county clerk of the county of the residence of the person benefited by such service, and cause the same to be recorded in a book kept by the clerk for that purpose, and said clerk shall be allowed a fee of twenty cents for recording such contract.

Sec. 4. If the contract or agreement be verbal a duplicate copy of the same shall be made under oath; one to be delivered to the clerk to be recorded and filed as provided for written contracts, and the other to be transmitted to the party owing the debt.

Sec. 5. The contract, written or sworn to, as provided for in the two preceding sections, shall contain a definite description by marks, brands, and color of the mother of such progeny.

Sec. 6. The near approach of the close of the present session of the legislature, and the improbability of reaching and reading this bill on three several days, creates an emergency and public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is so suspended.

[Note.—The foregoing act originated in the house, and passed the same March 22, 1889; and passed the senate April 1, 1889.]

Approved, April 3, 1889.

## MINES AND MINING.

Sec.

1. School lands, etc., valuable for minerals reserved from sale, except as herein provided.
2. As to mapping and classifying mineral lands.
3. Mining districts.
4. Extent of mining claims on certain veins or lodes.
5. As to posting notice of claim by locator.
6. Preliminary shaft, etc., application to survey, record of, etc.
7. As to assessment work and payments to state treasurer, etc.
8. As to ownership of lodes in face of tunnel, etc.
9. Application for patents, etc.

Sec.

10. Location and patent of other mining lands, not included in section 4.
11. Contesting issuance of patent, etc.
12. Herein as to location made on land disposed of since act of April 14, 1883.
13. For forfeiture of claims, etc.
14. As to relocation of forfeited claims.
15. Reservation of minerals in sale of lands.
16. Herein as to placer mining.
17. As to procuring non-mineral land adjacent to lode.
18. As to taking timber and stone on mineral lands for development purposes.
19. Emergency clause.

CHAP. 100.—[S. H. B. No. 48.] An Act to promote the development of the mining resources of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That all the public schools, university, asylum, and public lands containing valuable mineral deposits are hereby reserved from sale or other disposition, except as herein provided, and are declared free and open to exploration and purchase under regulations prescribed by law by citizens of the United States and those who have declared their intention of becoming such: Provided, That all who have located and recorded claims under previous laws and have not abandoned same, but are engaged in developing same, shall have a prior preference right for thirty days after the passage of this act in which to relocate same under this act.

Sec. 2. It shall be the duty of the commissioner of the general land office immediately upon the passage of this act to have a map made showing the location of all public school, university, asylum, and public lands which are unsold at that date; and it shall be the duty of the geological and mineralogical survey to examine all such lands as soon as practicable thereafter, and to designate such tracts as are apparently mineral bearing as mineral lands for the purposes of this act. If mineral lands are afterwards claimed to exist at other locations than are so designated, they shall also be examined and classified accordingly.

Sec. 3. It shall be the duty of the commissioner of the general land office to unite a suitable number of these mineral locations into mining districts, in each of which shall be a surveyor who must either be the surveyor of the district or county or a regularly appointed deputy, and an officer qualified to administer oaths.

Sec. 4. A mining claim upon veins or lodes of quartz or other rocks in places bearing silver, cinnabar, lead, tin, copper, or other valuable metals, excluding deposits of iron ore, coal, kaolin, baryta, salt, marble, fire clays, valuable building stones, oil, or natural gas, may equal but shall not exceed one thousand five hundred feet along the vein or lode. No such claim shall exceed twenty-one acres in total area. The end lines of each claim shall be parallel to each other, and all claims shall be in the form of a parallelogram or square unless such form is prevented by adjoining rights or boundaries of the section in which the claim lies. The locator under this act shall be entitled to the use of all the superficial area between the enclosing lines of the claim, and to all minerals thereon, and between the side and end lines extending downwards vertically until the rights secured by posting are forfeited as provided, and in all conflicts priority of location shall decide.

Sec. 5. The locators of any mining claim shall post up at the center of one of the end lines of the same a written notice stating the name of the locator and of the claim, and the date of posting, and describe the claim by giving the number of feet in length and width, and the direction the claim lies in length from the notice, together with the section, if known, and the

county; and shall place stone monuments at the four corners, and otherwise describe corners so that they can be readily found. The notice shall be placed in a conspicuous place so as to be readily seen.

Sec. 6. The locators shall, within three months after the date of posting the required notice, sink a shaft at least ten feet in depth by four feet square, or a tunnel of the same dimensions ten feet in length, or an open cross cut twenty feet in length, four feet or more wide and ten feet in depth at its shallowest part, and shall within said time file with the county surveyor or the district surveyor of the county, as the case may be, an application in writing for the survey of their claim, which application shall be accompanied with a fee of twenty dollars, unless its tender is waived, and also with an affidavit attached thereto that the required work, signifying it, has been done, and that the locators have found valuable mineral on the claim; and the affidavit shall state the date of the first posting of the notice on the claim by the applicants; and further, that the notice has not been post-dated or changed in its date. Upon receiving said application and fee the surveyor shall record the application together with the affidavit, and he shall thereupon forthwith proceed to survey said claim and forward the field notes to the commissioner of the general land office within thirty days after filing the application, in default of which he shall pay the aggrieved party such damages as he may sustain, and in addition thereto shall be deemed guilty of a misdemeanor, and on conviction fined not less than twenty dollars nor more than one hundred dollars; and it shall be the duty of the applicants to see that the field notes are so returned. The fee of twenty dollars shall cover all the services provided for in this section. In all other cases enumerated in this act the fee shall be the same allowed county clerks for similar services.

Sec. 7. Annually after the filing of the application for a survey as hereinbefore provided, the claimant shall, until after application is made for a patent as hereinbefore provided, do one hundred dollars worth of work in developing each claim; but where claims adjoin, the amount of work may be done on one for all belonging to the same party. The value of such shall be estimated at what it could be contracted for at a fair cash price, but the cost of tools and implements and the expense of going to and returning from the mine shall not be included in said estimate. And shall in addition to this amount of work, annually pay to the treasurer of the state the sum of fifty (\$50) dollars on each and every claim filed upon, which amount shall be credited to the fund to which the land belongs upon which the claim is located: Provided, That all amounts so paid shall be a credit upon the final payment for such land provided for in section nine of this act. Within one month after the expiration of each year, the owner shall make and file with the surveyor his affidavit, setting forth specifically what the work consists of in detail and the value thereof, and shall also file with the surveyor at the same time the receipt of the state treasurer for the amount of cash payment provided for herein or a certified copy thereof. Upon the failure of any one of several co-owners to contribute his proportion of the expenditures required in this act within the necessary time, the co-owners who have performed the labor or made the improvements, or paid the fees or other expenditures required in this act, may, at the expiration of the year in which the same is to be done, give notice in writing or notice by publication in a newspaper published in the county where the mining is, if any; if none in such county, then in the newspaper published nearest to the mine, for at least once a week for ninety days. If after such personal notice in writing or by publication, such delinquent should fail or refuse to contribute his proportion of the expenditure required by this act, his interest in the claim shall become the

property of his co-workers who have made the required expenditures. An affidavit by the co-owners forfeiting the interest of such delinquent shall, when recorded in the office of the proper surveyor, be sufficient evidence of such delinquency.

Sec. 8. That when a tunnel is run for the development of a vein or lode, or for the discovery of mines, the owner of such tunnel shall have the right of possession of all veins or lodes within two thousand feet from the face of such claim, on the line thereof, not previously known to exist, discovered in such tunnel to the same extent as if discovered from the surface; and locations on the line of such tunnel of veins or lodes not appearing on the surface, made by other parties after the commencement of the tunnel and while the same is being prosecuted with reasonable diligence, shall be invalid, but failure to prosecute the work in the tunnel for six months shall be considered as an abandonment of the right of all undiscovered veins on the line of said tunnel.

Sec. 9. Whenever the owners of any mining claim shall desire a patent, they shall, within five years after the filing of the application for survey, file their application for a patent upon their claim with the commissioner of the general land office, accompanied with the receipt of the state treasurer, showing that twenty-five dollars per acre has been paid by the applicant for patent to the state treasurer. No patent shall be issued in any case until the expiration of sixty days from the filing of the application. Upon filing said application, the applicant shall cause to be published for four successive weeks, one insertion each week, in some newspaper published in the county in which the mine is situated, if there be any; if not, then in some newspaper published in the nearest county to the mine in which a newspaper is published, a notice stating the fact that application has been filed for patent on the claim (or claims), describing them clearly. A copy of the printed notice with affidavit that it has been published as required by this section, and that all the requirements of this act have been complied with, shall be filed with the commissioner of the general land office before patent shall issue. After the expiration of thirty days after the last insertion of said notice, patent shall issue unless protest has been filed.

Sec. 10. Any person or association of persons qualified as required by section 1 of this act, shall have the right to locate and obtain a patent on any quantity of these lands containing deposits of coal, iron ore, kaolin, baryta, salt, marble, fire clay, oil, natural gas, or valuable building stones, in legal subdivisions of the section, not exceeding one hundred and sixty acres to an individual person or three hundred and twenty acres to an association or corporation, upon compliance with the general land law in regard to obtaining titles and with regulations or section 9 in regard to publication, etc., and the payment to the state treasurer of not less than ten dollars per acre for such lands where the same shall be situated more than ten miles from any completed railroad, and not less than twenty dollars for such lands as shall be within ten miles of such road: Provided, That when any association of not less than four persons shall have expended not less than five thousand dollars in working and improving any such mine or mines, such association may enter not exceeding six hundred and forty acres, including such mining improvements: And provided further, That this act shall be held to authorize only one entry by the same person or association of persons under its provisions; and no association of persons, any member of which shall have taken the benefit of this act, either as an individual or as a member of any other association, shall enter or hold any other land under the provisions of this act; and no member of any association which shall have taken the benefit of

this act shall enter or hold any other lands under its provisions: And provided further, That nothing in this section shall be construed to authorize the sale of lands valuable for mines of gold, silver, and copper, or other minerals enumerated in section 4.

Sec. 11. Any person desiring to contest the issuance of patent may do so by filing with the commissioner of the general land office a protest, setting forth the grounds of objection generally, and that protestant has an interest in the subject matter, which protest shall also state that the same is presented in good faith and not to injure or delay the applicants, or any of them, and the same shall be verified by affidavit; whereupon it shall be the duty of the commissioner to withhold patent until the controversy is ended: Provided, That if the protestant shall not, within thirty days after filing his protest, institute suit in the court having jurisdiction thereof in the county where the claims are located, his protest shall constitute no further barrier to the issuance of patent. A certified copy of the petition or a certificate of the clerk of the court where suit is pending shall be sufficient evidence to the commissioner of the pendency of the suit and of the date of filing said suit. When the land in controversy lies partly in two counties, suit may be brought in either. More than one claim shall not be embraced in the same patent or application. The suits here provided for shall be entitled to precedence of trial on the docket.

Sec. 12. When a location has been made in land disposed of by the state since the passage of an act for disposition of minerals on the land embraced in the first section of this act, approved April 14, 1883, if such location was made subsequent to the disposition by the state of such lands, and the locator or his assignees have not abandoned said claim, but is working it in good faith, locator and his assignees shall nevertheless be entitled to the mineral and to the use of the superficial area as in other cases; and if the case is such that the fee in the land cannot pass by patent, a patent may issue to all the minerals in the claims, and shall be a license from the state to enter upon and work said claim and extract the mineral therefrom. In cases provided for in this section when the fee does not pass, the price shall be twenty dollars per acre, and the locator or his assignee shall in addition pay to the owner of the land in fee the fair value of the land so taken up by his claim, and roads and fences necessary to give him ingress and egress thereto, and be liable for any damages which may result to owner of the land in fee. All other provisions of this act shall apply to said location.

Sec. 13. All claims upon which patent has not been applied for within five years next after the application for survey, or which have not been surveyed and the field notes returned to the general land office within the time prescribed therefor as hereinbefore provided, or upon which the assessment work has not been done, an affidavit therefor, filed as provided by this act, shall be and are declared forfeited without judicial action of any kind and subject to location as originally, but not by any one interested in the claim at the time of forfeiture; and any location for or on behalf of any such party shall be wholly void. Whenever any such claim shall be relocated, the locators and each of them shall make affidavit that the location is made without any contract or agreement of any kind that any of the parties owning an interest in the location before relocation has or is to have any interest in the same. In all other cases where affidavit is required by this act it may be made by one or more of the parties cognizant of the facts.

Sec. 14. No claim which has been forfeited for any cause shall be subject to relocation for a period of thirty days next thereafter; and the party owning the same may apply to the land commissioner within that time for



relief, and if it appear to him from the proof submitted that the forfeiture was not occasioned by the negligence of the owner, but by circumstances which he could not reasonably control, the commissioner may, within that time, in his discretion, grant relief against the forfeiture, and if he grants such relief he shall at once forward his order to that effect to the surveyor, who shall file the same for record in his office.

Sec. 15. Whenever any application shall be made to buy or obtain title to any of the lands embraced in section one of this act, except where the application is made under this act, the applicant shall make oath that there is not, to the best of his knowledge and belief, any of the mineral embraced in this act thereon, and when the commissioner has any doubt in relation to the matter he shall forbear action until he is satisfied. And any sale or disposition of said lands shall be understood to be with a reservation of the mineral thereon to be subject to location as herein provided.

Sec. 16. That claims usually called placers, including all forms of metallic deposits, excepting veins of quartz or rock in place, shall be subject to entry and patent under like circumstances and conditions, and upon similar proceedings as are provided for vein or lode claims. All placer claims located shall conform as near as practicable with existing surveys and their subdivisions, and no such location shall include more than forty acres for each individual claimant, and shall not exceed three hundred and twenty acres for any association of persons. The price which shall be paid for such placer shall not be less than ten dollars per acre, together with all costs of proceedings as before provided.

Sec. 17. When non-mineral land, not contiguous to the vein or lode, is used by the prospector of such vein or lode for mining or milling purposes, such non-adjacent surface ground may be embraced and included in an application for a patent for such vein or lode, and the same may be patented therewith subject to the same preliminary requirements as to survey and notice as are applicable to veins or lodes; but no location of such non-adjacent lands shall exceed ten acres, and payment for the same must be made at the same rate as fixed by this act for the superficies of the lode. The owner of a quartz mill or reduction works, not owning a mine in connection therewith, may also receive a patent for a mill site as provided in this section.

Sec. 18. Any owner or worker of mining claim under this act is authorized to fell and remove for building and mining purposes any timber or any trees growing or being upon unoccupied lands as described in section one, said lands being mineral and subject to entry only as mineral lands, under such rules and regulations as may be prescribed for the protection of timber and undergrowth upon such lands and for other purposes.

Sec. 19. The great importance of the mining interest of the state, and the uncertainty existing by reason of the abolishment of the land board, causes confusion in our mining laws, and creates an emergency, and an imperative necessity exists requiring the suspension of the constitutional rule requiring bills to be read on three several days be suspended, and said rule is so suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted. All laws in conflict with this act are hereby repealed.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 58 yeas, 17 nays; and passed the senate by a vote of 23 yeas, 3 nays.]

Approved, March 29, 1889.

NEGOTIABLE SECURITIES HELD BY STATE IN TRUST.

- Sec. 1. Negotiable securities held by state in trust to be made non-negotiable.
2. Emergency clause.

CHAP. 101.—[H. B. No 122.] An Act to make all negotiable bonds and coupons held by the state of Texas in trust for its public institutions non-negotiable.

Section 1. Be it enacted by the Legislature of the State of Texas: That the treasurer of the state of Texas shall in the presence of the board of education have indelibly written, stamped, or cut upon the face of all negotiable bonds now or that may hereafter be held by the state in trust for any of its public institutions the words "This bond is non-negotiable and belongs to the ..... fund (naming the fund) of the state of Texas," and he shall sign or stamp his official name thereto. Said treasurer shall also in the presence of said board have indelibly written, stamped, or cut upon each coupon or any such bond the words "non-negotiable." Any such bond or coupon thus endorsed shall be non-negotiable.

Sec. 2. Whereas the State of Texas now holds a large number of bonds and coupons that public policy requires should be non-negotiable; therefore an emergency and an imperative public necessity exist and requires that the constitutional rule requiring a bill to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 99 yeas, no nays; and passed the senate by a vote of 27 yeas, no nays.]

Approved, February 1, 1889.

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NOTARIES PUBLIC.

- Sec. 1. Validating the acts of in certain cases.
2. Emergency clause.

CHAP. 102.—[S. H. B. No. 471.] An Act to validate certain notarial acts in the state of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That all acts of notaries public appointed by authority of the laws of the state of Texas, as evidenced by the impress of the notarial seal having the word "Texas" engraved just over the points of the star thereon, also where the word "Texas" is engraved between the points of the star, and the county of and the residence of the authenticating officer under the star or seal having the word ".... county, Texas," instead of "The county of.... Texas," are hereby made as valid and binding as though the word "Texas" had been engraved on the margin of the seal, and the record of all deeds, or other instrument, which have been authenticated by the use of such seal, shall be held hereafter to be notice, and copies from the records shall be admissible in evidence the same as if the seal used had been in strict conformity with law.

Sec. 2. The great number of bills already introduced creates an imperative public necessity that the rule requiring this bill to be read on three several days in each house be suspended, and it is so suspended; and the uncertainty now existing as to the status of land titles, the conveyance of which is evidenced by notarial seals with the word "Texas" between the points of the star, creates an emergency requiring that this act should take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 75 yeas, no nays; and passed the senate by a vote of 28 yeas, no nays.]

Approved, April 5, 1890.

## OILS.

## Sec.

- 1 Prescribes fire test of petroleum and other oils.
- 2 Method of such test.
- 3 Governor to appoint state inspector—duties of, etc.
- 4 Inspected oils to be branded "approved" or "rejected" for illuminating purposes.
- 5 Duty of inspector to promptly inspect, etc.
- 6 Penalty for selling oil without inspection, or rejected.

## Sec.

7. Penalty for falsely branding or refilling any barrel, cask, etc.
8. Oath, bond, etc., of inspector and deputies.
9. Schedule of fees.
10. Party selling oil not inspected responsible to any person injured.
11. Duty of inspector and deputies to make complaints.
12. Prohibiting inspector and deputies from dealing in oil.
13. Emergency clause.

CHAP. 103.—[S. H. B. No. 167.] An Act to provide for the inspection of refined oils which are the product of petroleum, and which may be used for illuminating purposes within this state, and to regulate the sale and use thereof, and to provide penalties for violation of the same.

Section 1. Be it enacted by the Legislature of the State of Texas: That no refined petroleum, kerosene, or any other illuminating fluids, in whole or in part petroleum, or any product of petroleum, be they designated by whatever name, the fire test of which is 110 degrees Fahrenheit, shall be sold or offered for sale for illuminating purposes before being first inspected and branded as hereinafter provided: Provided, however, That any of said fluids which have been inspected and branded according to the provisions of this act shall not again be subject to inspection.

Sec. 2. Said fire test shall be determined by an inspector or deputy inspector, appointed under the provisions of this act, who shall use the Foster cup or Foster's automatic oil tester, or such other well defined instrument as may be customarily used for such purpose, according to the following formula: Heat with alcohol, small flame; when the thermometer indicates ninety degrees, remove the lamp; at ninety-five degrees try for a flash with small bead of fire on end of string or small hard wooden taper held within a quarter of an inch of surface of oil; replace lamp and heat oil gradually from this point until the burning point is reached, removing lamp every four degrees and allowing oil to run up three degrees before replacing lamp, flashing oil each time just before the lamp is replaced until the result is attained. Or said fire test may be made by an inspector or deputy inspector, appointed under the provisions of this act, who shall use the Foster cup or Foster's automatic oil tester according to the directions accompanying same and prescribed by the manufacturers for the use of said tester.

Sec. 3. The governor shall appoint a suitable person, a resident of this state, who is not interested in manufacturing, dealing in, or vending any of said illuminating fluids, as state inspector of oils, and who shall not be interested in the Foster cup or other apparatus, whose term of office shall be for two years from the date of appointment or until his successor shall be appointed and shall qualify. The state inspector, when appointed, shall by and with the consent of the governor divide the state into convenient inspection districts, which districts may from time to time in the same manner be changed for the purpose of facilitating inspections under this act. And the said inspector is hereby empowered to appoint a suitable number of deputy district inspectors, who shall be empowered to perform the same duties in the districts for which they are appointed and be liable to the same penalties as the state inspector. And said inspector may, for reasonable cause, remove any of said deputies. It shall be the duty of the said inspector and his deputies to provide themselves, at their own expense, with the necessary instruments and apparatus for inspecting said fluids, and to promptly inspect the same when called upon for that purpose. And the state inspector shall adopt uniform brands for use by himself and the deputy district inspectors in branding packages containing inspected fluids, and shall adopt all reasonable rules,

not inconsistent with the provisions of this act, necessary for the government of deputy inspectors in the performance of their duties, and shall have supervisory control and direction over them in all matters pertaining to the inspection of fluids. And in case of controversy between any deputy inspector and person or persons for whom the inspection shall be made by such deputy with regard to the manner and the result of making such inspection, shall determine such controversy according to the intent of this act. The said state inspector shall be authorized to make inspections of said fluids at any place within this state, and shall in addition to the deputy district inspectors hereinbefore provided for, at his own cost and expense, appoint such other deputy inspectors to aid him in making inspections as may be necessary for the proper discharge of the duties of his office, who shall work under his immediate supervision: Provided, That he shall be entitled to receive the inspection fees for all inspections made by him or the said deputies under his supervision, and shall be responsible on his official bond for their acts: Provided, It shall not be necessary to inspect one which has been inspected under a law of another state.

Sec. 4. It shall be the duty of the state inspector and district deputy inspectors, within their respective districts, to inspect without delay all said fluids offered for sale by any manufacturer, vendor, or dealer, as hereinbefore provided in section 2, and if upon such inspection the said fluids shall meet the requirements of said section, the inspector making the same shall fix his brand or device, viz., "Approved," with the date, over his official signature, upon the package, barrel, or cask containing the same; but if the said fluids so inspected shall not meet said requirements, he shall fix his brand or device, viz., "Rejected for illuminating purposes," with the date, over his official signature, upon the package, barrel, or cask containing the same. And where the fluids is contained in cans, two or more of which are encased in wood, he shall also fix his brand upon the case containing such packages. To more effectually carry out the provisions of this act, it shall be lawful for the state inspector or any deputy district inspector, within his district, to enter into or upon the premises of any manufacturer, vendor, or dealer of or in said fluids, and if he finds any of said fluids that have not been inspected and branded according to the provisions of this act, to inspect and brand the same: Provided, however, That none of said fluids while in transit in the state or for points beyond its limits, or in boats or vessels, railroad tank cars, or in store intended for export, shall be subjected to inspection hereunder except at the request of the person owning or having charge of the same.

Sec. 5. It shall be the duty of the state inspector or of the deputy district inspectors, within their respective districts, when requested so to do by the owner or the person having charge of the same, to promptly inspect any of said fluids contained in bulk, storage tanks, reservoirs, railroad tanks, or wagon tanks, by making a single test in the manner prescribed: Provided, That where such inspection is made, the inspector or his deputy making the same shall see the fluid so inspected placed in the cask, barrel, or other package in or from which it is intended to be sold, and properly brand such cask, barrel, or other package in the manner hereinbefore provided for, according to the degree of the fire test of said fluid: And provided further, That the terms "casks," "barrels," and "other packages," as used in this act, shall include wagon tanks.

Sec. 6. If any person for himself, or as agent for any other person or corporation, shall, contrary to the provisions of this act, sell, attempt to sell, or use as an illuminant within this state, any of said fluids before first having

the same inspected and branded as hereinbefore provided; or shall sell or offer to sell any of said fluids to any person within this state, to be used for illuminating purposes therein, or use the same for such purpose, after the same have been inspected and branded "rejected for illuminating purposes," as hereinbefore provided, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than one hundred dollars nor more than three hundred dollars.

Sec. 7. If any person shall falsely brand any cask, barrel, or other package provided to be branded by this act, or shall refill and use any such cask, barrel, or other package having an inspector's brand thereon, without having the fluids therein first inspected, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than one hundred dollars nor more than three hundred dollars, or imprisoned in the county jail not exceeding six months, or both; or if any person shall sell or dispose of any empty cask, barrel, or other package which has been branded by the inspector "approved," according to the provisions of this act, before thoroughly canceling, removing, or effacing said brand from the same, he shall, upon conviction thereof, be deemed guilty of a misdemeanor and punished by a fine of not less than ten dollars nor more than fifty dollars for each cask, barrel, or other package so sold or disposed of.

Sec. 8. Every person appointed a state inspector or deputy inspector shall, before he enters upon the discharge of the duties of his office, take the oath of office and file the same in the office of the secretary of state. The state inspector shall execute a bond to the state in the sum of ten thousand dollars, and each deputy district inspector shall execute a like bond in the sum of five thousand dollars, both with good and sufficient sureties, to be approved by the secretary of state, conditioned for the faithful performance of the duties imposed upon them by the provisions of this act, which bond shall be for the use of all persons in any way aggrieved or injured by the act or neglect of the inspector executing the same, and the said bonds shall be filed with the secretary of state. It shall be the duty of the inspector and deputy district inspectors to keep true and accurate records of all oils inspected and branded by them, which record shall state the date of inspection, the number of gallons rejected, the number of gallons approved, the number of gallons inspected, the names of the persons for whom inspected, the number and kind of casks, barrels, or packages inspected, and the money received for such inspection. It shall also be the duty of every deputy district inspector, on the first of each month, to forward to the state inspector a copy of such records kept by him for the preceding month; and in the month of January in each year the state inspector shall make and deliver to the governor of the state a report containing an aggregate of the records kept by him and of said reports, which said records and reports in the hands of said state inspector, deputy district inspectors, and governor, shall at reasonable times be open to the inspection of the public.

Sec. 9. The inspector and each deputy district inspector shall be entitled to demand and receive from the owner or party calling upon him or for whom he performs the inspection, the following fees, which shall be a lien upon the fluids and packages inspected, to wit: For less than one hundred gallons, one dollar; and for any quantity from hundred gallons inclusive and upwards, one cent per gallon inspected in single wagon tanks, in single casks or barrels, or other packages, whether of wood, iron, tin, or other material containing twenty-five gallons or more; and in cases containing two or more casks or vessels, two dollars and fifty cents for one hundred gallons or less; and one and one-half cents per gallon for all quantities inspected over and

above one hundred gallons; this shall apply to all case oil used for illuminating purposes put up in cans of less than twenty-five gallons capacity.

Sec. 10. Whoever sells or keeps for sale to be consumed in this state any of said fluids not inspected as provided for in this act, shall be responsible to the party or parties injured for any violation of the provisions of this act by himself or by any clerk or person in his employ in the sale of such oil.

Sec. 11. It shall be the duty of said inspector and deputy district inspectors who know of any violation of any of the provisions of this act to enter complaint before any court of competent jurisdiction against any person so offending; and in case said inspector or deputy inspectors, having knowledge of any violation of this act, neglect to enter complaint as required by and provided for in this act, shall be fined in any sum not to exceed five hundred dollars, and shall be removed by the court trying the case from his position as such inspector or deputy inspector.

Sec. 12. No state inspector or deputy inspector shall, while in office, traffic, directly or indirectly, in any article in which any of said fluids is a constituent part, which he is appointed to inspect; and in case of the violation of the provisions of this section by any state inspector or deputy inspector, he shall be fined in any sum not exceeding five hundred dollars, and shall be subject to removal from office.

Sec. 13. That whereas there is no law in this state providing for the inspection of oils sold for illuminating purposes, thereby creating an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, this act shall take effect from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same March 30, 1889; and passed the senate by a vote of 19 yeas, 8 nays.]

Approved, April 5, 1889.

#### PHARMACY—PRACTICE OF.

Sec.

1. Unlawful for any person, unless qualified, to conduct any pharmacy, etc.
2. Qualifications.
3. Graduates.
4. Assistants—qualification of.
5. District judges to appoint board.
6. Meetings of boards, etc.
7. Duties of registrar.
8. Examinations of applicants, etc.
9. Graduates shall apply for registration.
10. Herein as to proprietor engaged in business.

Sec.

11. Certificate of registration shall be conspicuously placed.
12. Penalties for compounding prescriptions by persons not qualified.
13. Penalties for procuring registration by deceit.
14. Temporary certificates may be granted.
15. Courts to instruct grand juries.
16. This law does not apply to cities of less than one thousand inhabitants.
17. When does not apply to physicians, etc.
18. Emergency clause.

CHAP. 104.—[H. B. No. 125.] An Act to regulate the practice of pharmacy in the state of Texas, and providing penalty for the enforcement of the same.

Section 1. Be it enacted by the Legislature of the State of Texas: That it shall be unlawful for any person, unless a qualified pharmacist within the meaning of this act, to open or conduct any pharmacy or store for compounding medicines, or for any one not a qualified pharmacist to prepare physicians' prescriptions or compound medicines, except under the direct supervision of a qualified pharmacist as hereinafter provided.

Sec. 2. Any person in order to be qualified, shall be twenty-one years old and shall have passed a satisfactory examination before the board of pharmacy of Texas, or shall be a graduate in pharmacy or an assistant in pharmacy.

Sec. 3. Graduates in pharmacy shall be such as have obtained a diploma

from a regular incorporated college of pharmacy, and that requires not less than two years experience in stores where prescriptions of medical practitioners have been compounded before said diploma is issued.

Sec. 4. Assistants in pharmacy must be twenty-one years old and have had two years experience in stores where prescriptions of medical practitioners have been prepared, and shall have passed a satisfactory examination before the board of pharmacy of Texas.

Sec. 5. As soon as convenient after the passage of this act the presiding judge of the district court of the several judicial districts shall as soon as practicable, severally appoint a board of pharmaceutical examiners for their respective districts, who shall hold their office two years, which appointment shall be in writing and signed by the judge making the same and delivered to the person appointed. Said board of pharmaceutical examiners shall be composed of not less than three qualified pharmacists, who are residents of the districts of which they are appointed. If a vacancy occurs in said board another shall be appointed as aforesaid to fill the unexpired term. Said board shall have power to make by-laws and all the necessary regulations for the proper fulfillment of their duties under this act.

Sec. 6. The board shall meet within ninety days after the passage of this act, and once a year thereafter, in as central portions of the district as practicable, and shall give one month's notice through the public press of the time and place of such meeting. The board shall organize for business by electing a registrar of pharmacy. The duties of said board shall be to examine all applicants for registration; to direct the registration by the registrar of all persons properly qualified or entitled thereto.

Sec. 7. The duties of the registrar of pharmacy shall be to keep a book in which shall be entered, under the supervision of the board of pharmacy, the name and place of business of every person who shall apply for registration, and a statement, signed by the person making the application, of such facts in the case as may claim to justify his or her application. It shall also be the duty of the registrar to duly note the fact against the name of any qualified pharmacist who may have died or removed from the state or disposed of or relinquished his business.

Sec. 8. Any person in order to become a qualified pharmacist within the meaning of this act, shall apply and appear for examination and registration, and shall pay to the board of pharmacy five dollars; and on passing the examination required, shall be furnished free of cost a certificate of registration signed by the said board. Should said person fail to pass a satisfactory examination, he may at any other one meeting of the board of pharmacy within twelve months be permitted to be examined without cost.

Sec. 9. Graduates, as specified in section three, shall apply for registration and if they produce satisfactory evidence to the board of pharmacy that they have a right to be registered, shall, upon paying the said board three dollars, be furnished a certificate of registration without examination.

Sec. 10. Proprietors who are actively engaged in the preparation of physicians' prescriptions and compounding and vending medicine in the state of Texas at the passage of this act, shall be exempt from examination; also assistants who are likewise engaged and have been so engaged for three years, and are twenty-one years old: Provided, He, she, or they will register as specified in this act at first meeting of the board of pharmacy, and upon paying the board three dollars, shall be furnished with a certificate of registration: Provided, That the provisions of this bill shall not prevent any person from engaging in the business herein described as proprietors or owners thereof: Provided, Such proprietor or owner shall have employed in

his business some qualified pharmacist to fill prescriptions and compound drugs.

Sec. 11. All persons receiving a certificate of registration shall place it in a conspicuous place in their place of business. In failing to do this, the board of pharmacy shall cancel their registration and deprive them of their certificate.

Sec. 12. Any person not a qualified pharmacist, but continues to compound prescriptions or retail medicines without complying with this act, shall upon the first conviction be sentenced to pay a fine of not less than fifty nor more than one hundred dollars; and upon the second and every subsequent conviction, shall be sentenced to a fine of not less than one hundred nor more than two hundred dollars.

Sec. 13. Any person who shall procure or attempt to procure registration for himself or for another, under this act, by making or causing to be made any false representation, shall be deemed guilty of a misdemeanor, and shall be fined not less than twenty-five nor more than one hundred dollars, and the name of the person so fraudulently registered shall be stricken from the register.

Sec. 14. Any member of the board of pharmacy may issue temporary certificates upon satisfactory proof that the applicant is competent; but said temporary certificate shall be null and void after the first regular or extra meeting of the board next after granting said temporary certificate: Provided further, That not more than one temporary certificate shall ever be granted to any one person.

Sec. 15. All courts having jurisdiction in criminal causes are required to give this act in charge to each grand jury impanelled in such courts.

Sec. 16. This act shall not apply to towns and cities containing less than one thousand inhabitants. Towns and cities that arrive at one or more thousand inhabitants on and after the passage of this act shall come within its provisions. The manner of ascertaining the census shall be the last official one, whether it be federal, state, town, or city.

Sec. 17. Nothing in this act shall be construed to apply to any practitioner of medicine who does not keep open shop for compounding, dispensing, and selling medicines, nor so construed as to prevent any person or persons from investing their means in a drug store or stores: Provided, They keep employed qualified pharmacists for the direct supervision of vending and compounding medicines.

Sec. 18. The near approach of the close of the present session of the legislature, and the great improbability of reaching this bill in its regular call, and the great importance for legislation on the subject embraced in this bill, creates an emergency and a public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote 56 yeas, 20 nays; and passed the senate by a two-thirds vote.]

Approved, April 6, 1889.



## PUBLIC EDUCATION.

## Sec.

1. Title and control of school property in cities, etc., vested.
2. Treasurer of board of trustees, bond of, etc.
3. Payment of money to treasurer of board of trustees.

## Sec.

4. Special taxes in cities and towns.
5. Provisions hereof do not apply to cities organized under the general law.
6. Emergency clause.

CHAP. 105.—[H. B. No. 243.] An Act to further provide for and regulate the control and management of the public free schools in cities and towns in this state where the exclusive control and management of the public free schools within their limits has been or may be vested in a board of trustees, and to further define the duties and powers of such board of trustees in the exclusive control and management of the public free schools in such cities and towns.

Section 1. Be it enacted by the Legislature of the State of Texas: That in all cities and towns in this state which have assumed or may hereafter assume the exclusive control and management of the public free schools within their limits, and which have determined or may hereafter determine that such exclusive control and management of the public free schools within their limits shall be in a board of trustees, and organized under an act of the Sixteenth Legislature, approved April 3, 1879, and acts amendatory thereto, the title to all houses, lands, and other property owned, held, set apart, or in any way dedicated to the use and benefit of the public free schools of such city or town, including property heretofore acquired as well as that which may hereafter be acquired, shall be vested in the board of trustees and their successors in office in trust for the use and benefit of the public free schools in such city or town, and such board of trustees shall have and exercise the exclusive control and management of such school property, and shall have and exercise the exclusive possession thereof for the purposes aforesaid: Provided, That where trustees are named, other than the municipal corporation itself, in any instrument conveying, donating, bequeathing, or devising any money or other property, real or personal, for the benefit of any city or town, this act shall not interfere in any manner with the title or authority of such trustees to or over such money or other property. And such board of trustees shall constitute a body corporate and shall have full power to protect the title, possession, and use of all such property within the limits of such city or town, and may bring and maintain such suit or suits in law or in equity in any court of competent jurisdiction, when necessary, to recover the title or possession of any such property that may be adversely held or seized, or to prevent any trespass upon or injury to such property, and the power and authority of any such board of trustees to bring and maintain any suit in relation to the recovery of such property or of the possession and use thereof, or for any trespass thereon or injury thereto that may now be pending in any court of this state, is hereby authorized, ratified, and confirmed: Provided, That the provisions of this section (1) shall not apply to lands belonging to the state upon which houses for school purposes have been built without authority from the state.

Sec. 2. That the treasurer of the board of trustees of any such city or town, before entering upon the duties of his office, shall execute a bond with two or more good and sufficient sureties, payable to the state of Texas, and to be approved by such board of trustees, and in such sum as shall be fixed by said board of trustee, not less than one-half of the annual school revenues that shall come into his hands, conditioned that such treasurer will receive and disburse such school funds as shall come into his hands according to law, and that he will render a full and true account of all such funds.

Sec. 3. That the pro rata of the available school fund of the state appropriated and set apart to such city or town shall be, by the proper officer or

department of the state, paid over directly to such treasurer of the board of trustees, who shall execute the proper receipts therefor; and all moneys and funds arising from the assessment and collection of any special tax in such city or town for public free school purposes shall be by the assessor and collector, or the collector or other proper officer of such city or town whose duty it is to collect the taxes, turned over directly to the treasurer of the board of trustees of such city or town, who shall execute and deliver his receipt to such collector, and the mayor and council or board of aldermen of such city or town shall have no power or control over such funds.

Sec. 4. In such cities and towns as have assumed the exclusive control of the public free schools within their limits, and have decided under the laws providing therefor that a special tax shall be levied for the support of such public free schools, the mayor and council or board of aldermen of such city or town shall annually assess and levy such tax by ordinance duly passed and approved in the same manner as is required in the assessment and levy of taxes for general purposes in such city or town. In cities and towns which have voted upon and directed the levy of a special tax not exceeding one-half of one per cent, the mayor and council or board of aldermen of such city or town shall annually levy such rate of taxes for public school purposes, not exceeding one-half of one per cent, as shall be sufficient for the support of the public free schools for the term as required by law, but in such cities and towns as have voted upon and decided at an election held for that purpose that a specific rate of taxes shall be assessed and levied in such city or town for the support of its public free schools, the mayor and council or board of aldermen of such city or town shall have no discretion in fixing the rate at which such tax shall be levied, but shall assess and levy the same at the rate fixed in the proposition as submitted and adopted by the qualified voters of such city or town at the election held for that purpose.

Sec. 5. That the provisions of this act shall apply to cities organized under special charters or special acts of incorporation, but not to cities and towns organized and incorporated under the general law.

Sec. 6. That difference in opinion as to the construction of the law as it now exists as to the powers and duties of the mayor and council or board of aldermen, and as to the powers and duties of the board of trustees in certain cities of this state in which the exclusive control and management of their public free schools has been vested in a board of trustees, has produced such contention and conflict of authority that not only the efficiency of the schools are impaired, but even their continuance imperiled, which constitutes an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended as to this act, and also creates an emergency which requires the immediate passage of this act, and that it take effect at once, wherefore it is enacted that this act take effect from and after its passage.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 62 yeas, 33 nays; and passed the senate by a vote of 27 yeas, 1 nay.]

Approved, March 27, 1889.

**RAILROADS.**

Sec.

1. Herein as to place of general offices of railroad companies.
2. Herein as to offices to be maintained at such place, etc.

Sec.

3. Penalty for violating provisions of this act.

CHAP. 106.—[H. B. No. 77.] An Act to require all railroad companies to keep and maintain permanently their general offices, machine shops, and round houses within the state of Texas, at certain places, and to keep all books, accounts, etc., at said offices, and to provide penalties for failing to comply therewith.

Section 1. Be it enacted by the Legislature of the State of Texas: That every railroad company chartered by this state, or owning or operating any line of railway within this state, shall keep and maintain permanently its general offices within the state of Texas, at the place named in its charter for the locating of its general offices; and if no certain place is named in its charter where its general offices shall be located and maintained, then said railroad company shall keep and maintain its general offices at such place within this state where it shall have contracted or agreed, or shall hereafter contract or agree to locate its general office for a valuable consideration; and if said railroad company has not contracted or agreed for a valuable consideration to maintain its general office at any certain place within this state, then such general offices shall be located and maintained at such place on its line in this state as said railroad companies may designate to be on its line of railway. And such railroads shall keep and maintain their machine shops and round houses, or either, at such place or places as they may have contracted to keep them for a valuable consideration received; and if said general offices and shops and round houses, or either, are located on the line of a railroad in a county which has aided said railroad by an issue of bonds in consideration of such location being made, then said location shall not be changed; and this shall apply as well to a railroad that may have been consolidated with another as to those which have maintained their original organization.

Sec. 2. It shall be the duty of said railroad company to keep and maintain at the place within this state where its said general offices are located, the office of its president or vice-president, also the office of its secretary, treasurer, local treasurer, auditor, general freight agent, traffic manager, general manager, general superintendent, general passenger and ticket agent, chief engineer, superintendent of motive power and machinery, master mechanic, master of transportation, train master, stock and fuel agent, claim agent, and each and every one of its general offices shall be so kept and maintained, by whatever name it is known, and the persons who perform the duties of said general offices, by whatever name known, shall keep and maintain their offices at the place where said general offices are required to be located and maintained, and the persons holding said general offices of a railroad shall reside at the place and keep and maintain their offices at the place where the general offices of said railroad are required by law to be kept and maintained, and if the duties of any of the above named offices are performed by any person, but his position is called by a different name, it is hereby made the duty of said railroad company to have and maintain said offices at the place where its general Texas offices are kept and maintained as required by this act: Provided, That if the judgment of the court shall be to forfeit the charter, then it shall allow the railroad company six months from the date of the judgment within which to comply with the requirements of this act, and if said railroad shall comply within the said time no forfeiture shall occur, but if the railroad company shall not comply then the judgment shall be final, the object and meaning of this statute being to require every railroad company owning or operating a line of railway within this state, to keep and maintain its general offices within this

state at such place as required herein, and the name of the above as general offices shall not be understood to allow the railroad company to have any of the offices usually known as general offices at any other place than the one it is required to keep its general offices at, and each and every railroad is hereby required to have and maintain its general offices at the place named herein.

Sec. 3. Each and every railroad company chartered by this state, or owning, operating, or controlling any line of railroad within this state, which shall violate any of the provisions of this act, shall forfeit the charter by which it operates its railroad in this state to the state of Texas, and it is hereby made the duty of the attorney-general of this state, upon the application of any disinterested party or on his own motion, to proceed at once against every railroad company owning, operating, or controlling any line of railway within this state by quo warranto to forfeit the charter of the railroad company so offending or violating any of the provisions of this law, shall in addition to forfeiting the charter to that part of the railroad situated within this state be subject to a penalty of five thousand dollars for each and every day it violates any of the provisions of this act, said penalty to be recovered in the name of the state of Texas by a suit which shall be filed by the attorney-general in any court in this state having jurisdiction, and on the trial the court shall (if it finds that the railroad company has violated any of the provisions of this act) render judgment in the name of the state of Texas at the rate of the sum of five thousand dollars for each and every day said court shall find that said railroad company violated any of the provisions of this act. And any money recovered from any railroad company under the provisions of this act shall be paid over into the state treasury and become a part of the available public free school fund.

Approved, March 27, 1889.

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#### RAILROADS.

Sec.

1. Collection of claims not exceeding fifty dollars against railroads.

Sec.

2. Said section not to be construed to repeal any other remedy.  
3. Emergency clause.

CHAP. 107.—[H. B. No. 307.] An Act to regulate the presentation and collection of personal services or labor, or for damages or for overcharge on freight against railway corporations doing business in this state in case where the amount claimed does not exceed fifty dollars, and to fix the measure of damages recoverable in certain of such cases.

Section 1. Be it enacted by the Legislature of the State of Texas: That after the time when this act shall take effect any person in this state having a valid bona fide claim for personal services rendered or labor done, or for damages, or for overcharges on freight, or claims for stock killed or injured by the train of any railway company, provided that such claims for stock killed or injured shall be presented to the agent of the company nearest to the point where such stock was killed or injured, against any railway corporation operating a railroad in this state, and the amount of such claim does not exceed fifty dollars, may present the same, verified by his affidavit, for payment to such corporation by filing it with any station agent of such corporation in any county where suit may be instituted for the same, and if, at the expiration of thirty days after such presentation, such claim has not been paid or satisfied, he may immediately institute suit thereon in the proper court; and if he shall finally establish his claim, and obtain judgment for the full amount thereof, as presented for payment to such corporation in such court, or any court to which the suit may have been appealed, he shall be

entitled to recover the amount of such claim and all costs of suit, and in addition thereto all reasonable attorneys fees, provided he has an attorney employed in his case, not to exceed ten dollars, to be assessed and awarded by the court or jury trying the issue.

Sec. 2. Nothing in the foregoing section shall be construed to repeal or in any manner affect any provision of law now in force giving a remedy to persons having claims against railway corporations.

Sec. 3. There being no law now in force in this state providing an effectual remedy for persons having such claims as are mentioned in this act, therefore an emergency and imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this act immediately pass, and that it take effect and be in force from and after its passage.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 81 yeas, 8 nays; and passed the senate by a vote of 26 yeas, 3 nays.]

Approved, April 5, 1889.

#### RAILROADS—SEPARATE COACHES FOR PASSENGERS OF DIFFERENT COLORS.

Sec.

1. Authorizes railroad companies to provide separate coaches for passengers of different colors.
2. Separate coaches to be of equal comfort, and character designated.
3. The words "different colors" defined.

Sec.

4. Separate coaches and their use.
5. Penalty for violations of this act.
6. Conductors authorized to enforce provisions of this act.
6. Emergency clause.

CHAP. 108.—[H. S. S. B. No. 18.] An Act to authorize railroad companies in this state to provide separate coaches for white and colored passengers.

Section 1. Be it enacted by the Legislature of the State of Texas: That after the taking effect of this act all railroad companies in this state who are common carriers of passengers for hire, whose trains are propelled by steam, are authorized and empowered to make provision to transport passengers of different colors in separate coaches on such trains on such portions of their road or roads as may be deemed necessary or proper.

Sec. 2. Said separate coaches shall be of equal character as to comfort, etc., and shall be designated by appropriate words and letters indicating the character of the coach.

Sec. 3. The words "different colors," as used in section 1 of this article, refer to what are commonly known as white people and colored people of African descent.

Sec. 4. It shall be deemed a separate coach within the meaning of this article to divide the coach equally by a substantial partition with a door in same, one division of which shall be used exclusively for colored passengers and the other for white passengers.

Sec. 5. If any passenger upon a train provided with separate coaches for colored passengers shall ride or attempt to ride in a coach or division of same not designated for his or her color, after having been forbidden to do so by the employe of the railroad in charge of the train, he shall be guilty of a misdemeanor and punished by a fine of not less than five nor more than twenty dollars: Provided, That the railway companies shall have the right to regulate and control the travel on all other coaches in each of their said trains except the two coaches or double coach, as the case may be, provided for in this act.

Sec. 6. Conductors of passenger trains in this state have the power while

on their respective trains to enforce the provisions of this act in reference to the separation of passengers of different colors.

The near approach of the close of the session is such an imperative public necessity as justifies the suspension of the constitutional rule requiring this bill to be read on three several days, and said rule is hereby suspended.

[Note.—The foregoing act originated in the house, and passed the same March 28, 1889; and passed the senate April 5, 1889, by a vote of 25 yeas, 1 nay.]

[Note.—The foregoing act was presented to the governor of Texas for his approval on the sixth day of April, A. D. 1889, and was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the constitution, and thereupon became a law without his signature.—J. M. Moore, Secretary of State.]

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### REGISTRATION.

- Sec. 1. As to registration of justices transcripts.  
2. Emergency clause.

CHAP. 109.—[H. B. No. 618.] An Act to record certain certified transcripts from justices courts in same manner and with like effect deeds are admitted to record.

Section 1. Be it enacted by the Legislature of the State of Texas: That whenever land sold under execution or order for sale issuing out of a justice court in this state, upon the application of any party interested in said land, it shall be the duty of the justice of the peace having the custody of the execution and judgment upon which said execution issued to make from said records a complete transcript of said judgment and the execution issued thereon and levied on land, together with the levy and return of the officer executing the same thereon endorsed, and to certify to the correctness thereof officially, then said transcript shall be admitted to record in the county where the land is situated in the same manner in which deeds are recorded and with like effect, which said transcript or certified copy thereof, under the hand and seal of the county clerk of the county where said transcript has been recorded, shall be admitted in evidence in all the courts of this state in like manner and with like effect that the original judgment and execution with endorsements thereon would have if offered.

Sec. 2. The near approach of the close of the session of the present legislature creates an emergency and imperative public necessity for the constitutional rule requiring bills to be read on three several days to be suspended, and such rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 80 yeas, 1 nay; and passed the senate by a vote of 25 yeas, no nays.]

Approved, April 6, 1889.

## ROADS.

## Sec.

1. Herein as to opening roads on lands in actual use by the state, etc.

## Sec.

2. Repealing clause.
3. Emergency clause.

CHAP. 110.—[S. B. No. 255.] An Act to prevent the opening up of public roads across lands owned and used or for actual use by state, educational, eleemosynary, or other public state institutions without the consent of the state, and to close roads heretofore opened across such grounds whenever the state deems it necessary.

Section 1. Be it enacted by the Legislature of the State of Texas: That no public road shall be opened across lands owned and used or for actual use by the state, educational, eleemosynary, or other public state institutions for public purposes and not subject to sale under the general laws of the state, without the consent of the trustees of said institution and the approval of the governor of the state, and the roads heretofore opened across such lands may be closed by the authorities in charge of any such lands whenever they deem it necessary to protect the interests of the state, upon repayment to the county where the land is situated, with eight per cent interest, the amount actually paid out by said county for the condemnation of said lands as shown by the records of the commissioners court.

Sec. 2. All laws and parts of laws in conflict with this act are hereby repealed.

Sec. 3. The fact that public roads have heretofore been opened across grounds occupied by educational and other institutions of the state without the consent of the state's agents, to the injury and detriment of the public interests, and that additional roads are contemplated across such grounds, creates an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 21 yeas, 6 nays; and passed the house by a vote of 76 yeas, no nays.]

Approved, March 26, 1889.

## ROADS.

## Sec.

1. Road commissioners—appointment, bond of, etc.
2. Power of road commissioners over overseers, etc.
3. Expenditure of money by road commissioner, etc.
4. Reports of road commissioners to commissioners court.
5. Penalty for willful failure of road commissioners to comply with the provisions hereof.

## Sec.

6. Duty of commissioners court as to expenditure of funds, etc.
7. Commissioners court authorized to make rules, etc.
8. Commissioners courts and road commissioners authorized to accept donations of labor, money, etc.
9. This law not to be construed as repealing any existing law.
10. Emergency clause.

CHAP. 111.—[S. S. Bs. Nos. 79, 91, 92, and H. B. No. 636.] An Act to create a more efficient road system for this state, and authorizing the employment of road commissioners, define their duties and powers, and fixing a penalty for failure of duty, and further defining the duties and powers of county commissioners courts.

Section 1. Be it enacted by the Legislature of the State of Texas: That each county commissioners court of this state may employ not exceeding four road commissioners for their respective counties, who shall be resident citizens of the district for which they are employed, and when more than one is employed, the district that each road commissioner is to control shall be defined and fixed by the court; such road commissioners when employed shall receive such compensation as may be agreed upon by the court, not to exceed two dollars per day for the time actually engaged. Each road commis-

sioner when employed, before he enters upon his duties, shall execute a bond, payable to the county judge of the county and his successors in office, in the sum of one thousand dollars, with one or more good and sufficient sureties, to be approved by the county judge, and conditioned for a faithful performance of his duties.

Sec. 2. A road commissioner when employed shall have control over all overseers, hands, tools, machinery, and teams to be used upon the roads in his district; and shall have the power to require overseers to order out his hands in any number he may designate for the purpose of opening, working, or repairing the roads or building or repairing bridges or culverts of his district; and it shall be the duty of such road commissioners to see that all the roads and bridges of his district are kept in good repair, and he shall, under the direction and control of the commissioners court, inaugurate a system of grading and draining public roads in his district, and see that such system is carried out by the overseers and hands under his control, and shall obey all orders of the commissioners court; and he shall be responsible for the safe keeping and liable for the loss or destruction of all machinery, tools, or teams placed under his control, unless such loss is without his fault, and [when] he shall be discharged he shall deliver them to the person designated by the court.

Sec. 3. He shall expend such money as may be placed in his hands by the commissioners court under its direction in the most economical and advantageous manner on the public roads, bridges, and culverts of his district; and all his acts shall be subject to the control, supervision, orders, and approval of the commissioners court; he shall work the convicts and such other labor as may be furnished him by the commissioners court; and when the road commissioner shall have funds in his hands to expend for labor on the roads, and it shall be necessary for any overseer or overseers in his district to work more than five days during any one year upon the public roads, he may employ such overseers to continue their duties as such for such a length of time as may be necessary, and pay them for their services not more than one dollar and fifty cents per day for the time actually employed after the five days: Provided, That hands shall not be required to work when there shall be on hand, after building and repairing bridges, a sufficient road fund to provide for the necessary work on the roads.

Sec. 4. Said road commissioner shall report to the commissioners court at each regular term under oath, showing an itemized account of all money he has received to be expended on roads or bridges and what disposition he has made of the money, and showing the condition of all roads, bridges, and culverts in his district, and such other facts as the court may desire information upon, and shall make such other reports and at such time as the court may desire.

Sec. 5. Any road commissioner who shall wilfully fail to comply with any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine of not less than twenty-five nor more than two hundred dollars.

Sec. 6. The commissioners court shall see that the road and bridge fund of their county is judiciously and equitably expended on the roads and bridges of the county, and as nearly as the condition and necessity of the roads will permit, it shall be expended in each county commissioners precinct in proportion to the amount collected in such precinct; and in expending money in building permanent roads the money shall first be used only on first or second class roads, and on those which shall have the right of way furnished free of cost to make as straight a road as is practicable to obtain



and having the greatest bonus offered by the citizens of money, labor, or other property.

Sec. 7. The commissioners courts are authorized to make all reasonable and necessary rules and orders for the working and repairing of public roads, and to utilize the labor to be used and money expended thereon, not in conflict with the laws of this state, and enforce such rules and orders; and they are further authorized to purchase or hire all necessary road machinery, tools, or teams, and hire such labor as may be needed in addition to the labor now required of citizens to build or repair the roads.

Sec. 8. Commissioners courts or road commissioners may accept donations of money, lands, labor of men, teams, or tools, or any other kind of property or material to aid in building roads in their counties, and may authorize any person to make a drain along any public road for the purpose of draining his land, and require the person draining his land to do such work under the direction of the road commissioner.

Sec. 9. Be it further enacted, That this act shall not be construed to repeal any existing law, but it is cumulative and in aid of the existing law: Provided, That when road commissioners are employed the county commissioners are not required to supervise the roads as required by Article 4300a, Revised Statutes: Provided, Nothing in this law shall be construed so as to require more than five days service in one year of any citizen.

Sec. 10. The near approach of the close of the session, and the great necessity for the people of this state to have a more efficient road system, creates an imperative public necessity and an emergency for the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 25 yeas, 2 nays; and passed the house by a vote of 61 yeas, 22 nays.]

Approved, April 6, 1889.

#### TAXATION.

Sec.

1. New counties responsible for pro rata of indebtedness.
2. Manner of apportionment of such indebtedness.
3. Duty of comptroller.
4. Duty of commissioners court where the territory is made a part of organized county.

Sec.

5. Tax for pro rata indebtedness.
- 5a. Herein as to taxes due unorganized counties collected by comptroller.
6. Emergency clause.

CHAP. 112.—[S. B. No. 206.] An Act to provide the manner of assessing and collecting a tax on property in newly created counties and in territory cut off from one county and attached to another county to pay their pro rata share of the indebtedness of the parent county existing at the time of the severance of a part of its territory.

Section 1. Be it enacted by the Legislature of the State of Texas: When any new county has heretofore been or may hereafter be created wholly and entirely out of any existing county, the new county shall bear and pay its pro rata portion of the indebtedness of the county from which it was taken, which indebtedness shall be estimated and apportioned upon the basis set forth in section 2 of this act.

Sec. 2. The apportionment of such indebtedness shall be made upon the taxable values of the whole territory liable for such indebtedness as shown by the first assessment rolls made after the severance of such territory, and

the territory severed shall pay that proportion of the entire indebtedness which its taxable values bear to the taxable values of the whole territory liable.

Sec. 3. It shall be the duty of the comptroller of public accounts to assess and collect from the non-residents of unorganized counties such rate of taxation, to pay the pro rata share of the debt due by such unorganized county, as the commissioners court of the parent county shall levy on property in said parent county to pay such debt, and a certified statement of the commissioners court making the levy in the parent county, giving the amount of the levy, shall be authority for his action.

Sec. 4. When the territory taken is added to and made a part of an organized county, it shall be the duty of the commissioners court of such county to levy and have collected on all property in such territory a tax sufficient to pay their pro rata of the indebtedness, said tax not to exceed the constitutional limit; and it shall be the duty of the commissioners court of the county to which any unorganized county may be attached for judicial purposes to levy and have collected on all property in such unorganized county owned or held by resident citizens a tax for the purpose of paying such indebtedness.

Sec. 5. When any county heretofore or that may be hereafter created has organized, it shall be the duty of the commissioners court of such county to levy and have collected on all property in this county such rate of taxation to pay the pro rata share of the debt due by such county as the commissioners court of the parent county shall levy on property in said parent county to pay such debt.

Sec. 5a. All county taxes due unorganized counties collected by the comptroller shall be kept by him to the credit of such unorganized county until the same shall have been organized, then he shall, upon demand of the treasurer of the former unorganized county, pay the same over to the said treasurer: *Provided*, That in case any unorganized county is indebted to any county from which the same has been created, and which debt existed at the time of its creation, the comptroller shall use so much of said fund as may be necessary to pay the pro rata share of such debt due by such unorganized county, and an order of the commissioners court of the parent county stating the amount due from the unorganized county shall be authority for the comptroller to draw his warrant for said amount, and the provisions of this section shall apply to all money now held by the comptroller for unorganized counties and to all money hereafter collected.

Sec. 6. The near approach of the close of the present session of the legislature and the great number of bills to be considered, renders it impracticable to read this bill on three several days, therefore an emergency exists requiring the suspension of the constitutional rule requiring bills to be read on three several days, and such rule is hereby suspended.

[Note.—The foregoing act originated in the senate, and passed the same March 4, 1889; and passed the house March 30, 1889.]

Approved, April 3, 1889.

## TAXATION.

- Sec. 1. Extends time for redemption of lands sold for taxes to state, etc.  
 2. Emergency clause.

CHAP. 113.—[S. B. No. 24.] An Act to extend the time within which lands that have been sold for taxes and bought in by the state may be redeemed.

Section 1. Be it enacted by the Legislature of the States of Texas: That all lands which have been heretofore sold for taxes and bought in by the state, or by cities or towns, and which have not been redeemed, may be redeemed by the owner thereof, or their agent or legal representative, if within twelve months from the date on which this act takes effect said owner or agent or legal representative shall pay to the state the original state and county taxes for which said lands were sold, and all costs, together with eight per cent interest thereon, and the taxes due each year since such sale, or from the day of the accrual of such subsequent taxes, as the case may be, under such rules and regulations as shall be prescribed by the comptroller of the state.

Sec. 2. Whereas there are persons whose lands have been sold for taxes, and who are anxious to redeem the same, and which creates and imperative public necessity of the suspension of the constitutional rule which requires that all bills be read on three several days, said rule is therefore suspended, and an emergency exists that this act should take effect from and after its passage, and it is so enacted: Provided, That the proportion of the redemption money due the county shall be remitted to the treasury of the proper county by the comptroller.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 30 yeas, no nays; and passed the house by a vote of 75 yeas, 5 nays.]  
 Approved, March 7, 1889.

## TEMPORARY CAPITOL.

- Sec. 1. Authorizes lease of to John B. Hood Camp of ex-Confederate Veterans.  
 2. Emergency clause.

CHAP. 114.—[H. B. No. 586.] An Act to lease the temporary capitol building in the city of Austin to the board of directors of the John B. Hood Camp of ex-Confederate Veterans.

Section 1. Be it enacted by the Legislature of the State of Texas: That the superintendent of public buildings and grounds be authorized to lease for the term of ten years, at the rate of five dollars per annum, the temporary capitol building, situated in the city of Austin, to the board of directors of the John B. Hood Camp of ex-Confederate Veterans: Provided, That said board of directors shall make a good and sufficient bond to the governor and his successors in office for the keeping of said building in good repair: And provided further, That said board of directors keep said building insured with a reliable insurance company.

Sec. 2. That the near approach of the end of the session of this legislature creates an emergency that justifies the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 84 yeas, no nays; and passed the senate, by a vote of 26 yeas, 1 nay.]  
 Approved March 30, 1889.

TOWNS AND VILLAGES.

Sec.

1. Designation of boundaries.
2. Board of health, appointment and qualifications.

Sec.

3. Election and duties of presiding officer.
4. Prescribing penalties.

CHAP. 115.—[H. B. No. 453.] An Act to create and establish boards of health in the unincorporated towns and villages of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That the commissioners court of any county in which an unincorporated town or village may be situated be empowered to lay off the lines embracing said town or village.

Sec. 2. The commissioners court of the county in which any such town or village may be situated may appoint a board of health for said town, consisting of three persons, not less than two of whom shall be regular practicing physicians, and shall at once notify the state health officer, and said board so appointed shall be subject to the state health officers.

Sec. 3. After the result of the appointment of said board they must elect one of their number as presiding officer, whose duty it shall be to notify any citizen residing within the prescribed limits of the said town or village whenever his premises are in an unclean and unhealthy condition, and that he must proceed at once to clean his premises.

Sec. 4. Any person living within the prescribed limits of such town or village, having received such notice and failing to comply, shall be deemed guilty of a misdemeanor and punished in any court of the state having jurisdiction, and fined not less than five (5) nor more than ten (10) dollars, together with all cost attached to the case, for each and every offense.

Approved, April 5, 1889.

TRAVIS COUNTY.

Sec.

1. Removes civil jurisdiction of the county court.
2. Criminal jurisdiction.
3. Confirms the district court jurisdiction.

Sec.

4. Duties of clerk.
5. Saving as to judgments heretofore rendered, etc.
6. Emergency clause.
7. Repealing clause.

CHAP. 116.—[H. B. No. 560.] An Act to diminish the civil jurisdiction of the county court of Travis county.

Section 1. Be it enacted by the Legislature of the State of Texas: That the county court of Travis County shall have and exercise the general jurisdiction of a probate court; shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis, and common drunkards, grant letters testamentary and of administration, settle accounts of executors, administrators, and guardians, transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis, and common drunkards, including the settlement, partition, and distribution and settlement of estates of deceased persons, and to apprentice minors as provided by law, and issue all writs necessary to the enforcement of said jurisdiction; to punish contempt under such provisions as are or may be provided by general law governing county courts throughout the state, but said county court of Travis County shall have no other civil jurisdiction whatever.

Sec. 2. Said county court shall have and exercise such jurisdiction over and pertaining to criminal matter and proceedings as by general law of this state is conferred upon county courts.

Sec. 3. The district court of Travis County shall have and exercise jurisdiction in all civil matters and causes over which by the laws of the state the county

court of said county would have jurisdiction, except as provided in section one of this act; and all causes other than probate matters and such as are provided by sections one and two of this act, be and the same is hereby transferred to the district court of said Travis County; and all writs and process relating to civil matters heretofore issued by or out of said county court of Travis County other than those pertaining to matters over which by section one of this act jurisdiction is given to said county court of said county, be and the same is hereby made returnable to the next term of the district court of Travis County, Texas.

Sec. 4. The county clerk of the said Travis County be and he is hereby required, within twenty days after the passage of this act, to make a fair and complete transcript of all entries upon his civil dockets heretofore made in causes which by section three of this act are transferred to the district court of said county and deliver the same to the district clerk of said county together with all the papers to such causes pertaining, and all such causes shall be immediately docketed by said district clerk, and such civil cases so transferred shall stand on the docket of said court as appearance cases for the next succeeding term of said court.

Sec. 5. This act shall not be construed to in any manner affect judgments heretofore rendered by said county court of Travis County pertaining to matters and causes which by section three of this act are transferred to the district court of said county, but the county clerk of said county shall issue all executions and orders of sale as the judgments in such cases require, and such executions and orders of sale and proceedings thereunder shall be as valid and binding to all intents and purposes as though the change had been made as by section three of this article is contemplated.

Sec. 6. That the crowded condition of the civil docket of the county court of Travis County renders impossible a speedy trial and disposition of the cases thereon, which creates an emergency and public necessity requiring that this act take effect and be in force from and after its passage, and it is so enacted.

Sec. 7. All laws and parts of laws in conflict with the provisions of this act be and they are hereby repealed.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 71 yeas, 9 nays; and passed the senate by a vote of 15 yeas, 12 nays.]

[Note.—The foregoing act was presented to the governor of Texas for his approval on the third day of April, A. D. 1889, and was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the constitution, and thereupon became a law without his signature.—J. M. Moore, Secretary of State.]

TRUSTS—CONSPIRACIES AGAINST TRADE.

Sec.

1. Defines trusts.
2. Corporations to forfeit charter for violation of this law.
3. Duty of attorney-general, etc.
4. Foreign corporations violating this act forbidden to do business.
5. Quo warranto proceedings.
6. Conspiracy against trade.
7. Requisites of indictment.
8. Requisites of proof.
9. Persons out of the state liable to indictment.

Sec.

10. Associations violating this act to forfeit \$50 a day, recoverable on suit.
11. Contracts or agreements in violation hereof void.
12. The provisions hereof cumulative.
13. Exempts live stock and agricultural products in hands of producers.
14. Emergency clause.

CHAP. 117.—[S. H. Bs. Nos. 9, 117, 136, 192, and 313.] An Act to define trusts, and to provide for penalties and punishment of corporations, persons, firms, and associations of persons connected with them, and to promote free competition in the state of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That a trust is a combination of capital, skill, or acts by two or more persons, firms, corporations, or associations of persons, or of either two or more of them for either, any, or all of the following purposes: First—To create or carry out restrictions in trade. Second—To limit or reduce the production, or increase or reduce the price of merchandise or commodities. Third—To prevent competition in manufacture, making, transportation, sale, or purchase of merchandise, produce or commodities. Fourth—To fix at any standard or figure, whereby its price to the public shall be in any manner controlled or established, any article or commodity of merchandise, produce, or commerce intended for sale, use, or consumption in this state. Fifth—To make or enter into, or execute or carry out any contract, obligation, or agreement of any kind or description by which they shall bind or have bound themselves not to sell, dispose of, or transport any article or commodity, or article of trade, use, merchandise, commerce, or consumption below a common standard figure, or by which they shall agree in any manner to keep the price of such article, commodity, or transportation at a fixed or graduated figure, or by which they shall in any manner establish or settle the price of any article or commodity or transportation between them or themselves and others to preclude a free and unrestricted competition among themselves or others in the sale or transportation of any such article or commodity, or by which they shall agree to pool, combine, or unite any interest they may have in connection with the sale or transportation of any such article or commodity that its price might in any manner be affected.

Sec. 2. That any corporation holding a charter under the laws of the state of Texas which shall violate any of the provisions of this act shall thereby forfeit its charter and franchise, and its corporate existence shall cease and determine.

Sec. 3. For a violation of any of the provisions of this act by any corporation mentioned herein it shall be the duty of the attorney-general or district or county attorney, or either of them, upon his own motion, and without leave or order of any court or judge, to institute suit or quo warranto proceedings in Travis County, at Austin, or at the county seat of any county in the state, where such corporation exists, does business, or may have a domicile, for the forfeiture of its charter rights and franchise, and the dissolution of its corporate existence.

Sec. 4. Every foreign corporation violating any of the provisions of this act is hereby denied the right and prohibited from doing any business within this state, and it shall be the duty of the attorney-general to enforce this provision by injunction or other proper proceedings in the district court of Travis County, in the name of the State of Texas.

Sec. 5. That the provisions of Chapter 48, General Laws of this state, approved July 9, 1879, to prescribe the remedy and regulate the proceedings by quo warranto, etc., shall, except in so far as they may conflict herewith,

govern and control the proceedings when instituted to forfeit any charter under this act.

Sec. 6. Any violation of either or all the provisions of this act shall be and is hereby declared a conspiracy against trade, and any person who may be or may become engaged in any such conspiracy or take part therein, or aid or advise in its commission, or who shall, as principal, manager, director, agent, servant, or employe, or in any other capacity, knowingly carry out any of the stipulations, purposes, prices, rates, or orders thereunder or in pursuance thereof, shall be punished by fine not less than fifty dollars nor more than five thousand dollars, and by imprisonment in the penitentiary not less than one nor more than ten years or by either such fine or imprisonment. Each day during a violation of this provision shall constitute a separate offense.

Sec. 7. In any indictment for an offense named in this act it is sufficient to state the purposes or effects of the trust or combination, and that the accused was a member of, acted with or in pursuance of it, without giving its name or description, or how, when, or where it was created.

Sec. 8. In prosecutions under this act it shall be sufficient to prove that a trust or combination as defined herein exists, and that the defendant belonged to it or acted for or in connection with it, without proving all the members belonging to it, or proving or producing any article of agreement or any written instrument on which it may have been based, or that it was evidenced by any written instrument at all. The character of the trust or combination alleged may be established by proof of its general reputation as such.

Sec. 9. Persons out of the state may commit and be liable to indictment and conviction for committing any of the offenses enumerated in this act which do not in their commission necessarily require a personal presence in this state, the object being to reach and punish all persons offending against its provisions whether within or without the state.

Sec. 10. Each and every firm, person, corporation, or association of persons, who shall in any manner violate any of the provisions of this act shall for each and every day that such violation shall be committed or continued forfeit and pay the sum of fifty dollars, which may be recovered in the name of the state of Texas in any county where the offense is committed or where either of the offenders reside, or in Travis County, and it shall be the duty of the attorney-general or the district or the county attorney to prosecute for and recover the same.

Sec. 11. That any contract or agreement in violation of the provisions of this act shall be absolutely void and not enforceable either in law or equity.

Sec. 12. That the provisions hereof shall be held cumulative of each other and of all other laws in any way affecting them now in force in this state.

Sec. 13. The provisions of this act shall not apply to agricultural products or live stock while in the hands of the producer or raiser.

Sec. 14. Whereas the people of this state are without a remedy against trusts, therefore an emergency and imperative public necessity exists requiring that the constitutional rule which requires that all bills shall be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 86 yeas, no nays; and passed the senate by a vote of 26 yeas, no nays.]

Approved, March 30, 1889.

TRUSTEES' SALES.

Sec. 1. Prescribes manner of sales under powers conferred by liens growing out of contract.

CHAP. 118.—[S. H. Bs. Nos. 245 and 279.] An Act to prescribe the place and time of sale of all real estate hereafter to be sold under power conferred by any deed of trust or other contract lien.

Section 1. Be it enacted by the Legislature of the State of Texas: That all sales of real estate which may hereafter be made in this state under powers conferred by any deed of trust or other contract lien shall be made in the county in which such real estate is situated, notice shall be given as now required in judicial sales, and such sales shall be made at public vendue, between the hours of 10 o'clock a. m. and 4 o'clock p. m. of the first Tuesday in any month: Provided, That when such real estate is situated in an unorganized county such sale shall be made in the county to which such unorganized county is attached for judicial purposes, and where such real estate is situated in two or more counties the sale may be made in any county where any part of the real estate is situated, after notice as required in judicial sales has been given in every county in which any part of such real estate is situated.

Approved, March 21, 1889.

UNIVERSITY OF TEXAS.

Sec.

1. Title to property donated to university—how vested, etc.
2. Lawful for donor to declare manner that such title may be transmitted, etc.
3. Title to vest in certain contingencies in state in trust for the university.

Sec.

4. Title shall be received and trust assumed subject to laws, etc.
5. Copies of donations—reports concerning donations, etc.
6. Emergency clause.

CHAP. 119.—[H. B. No. 241.] An Act to legalize the donation of property to establish or assist in establishing professorships [or] scholarships in the University of Texas or any of its branches, and to provide for the protection and the security of their benefits in accomplishing the objects of their donors.

Whereas the University of Texas is not a corporation capable of receiving a title to property donated, being an institution of learning under the control of the state government: Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas: That any person, association of persons, or body corporate making a donation of property for the purpose of establishing or of assisting in the establishment of a professorship or scholarship in the university or any of its branches, either temporarily or permanently, may vest the legal title of the property in any person or persons, body corporate or the state of Texas, to be held in trust for said purpose under such directions, limitations, and provisions as may be declared in writing in the donation which are not inconsistent with the objects and proper management of said institution or its branches.

Sec. 2. It shall be lawful for the person or persons or body corporate to declare and direct the manner in which said title to said property shall thereafter pass or be transmitted from the person or persons or body corporate receiving it to others in continued succession to be held and appropriated to the use aforesaid, and it shall be lawful for the donor or donors to declare and direct the persons or class of persons who shall receive the benefit of said donations, together with the manner in which the person or persons who shall receive said benefits shall be from time to time selected, as it may become necessary to carry out the object of the donation: Provided, Said declarations and directions are not inconsistent with the objects and proper management of said institution or its branches.



Sec. 3. That in the event there is a failure to transmit the title to the property, or to bestow its use in the manner as declared and directed in the donation, or in the event they or either of them should become impracticable from the change of circumstances, the title to the property, unless otherwise directed expressly by the donor, shall vest in the state of Texas to be held in trust to carry into effect the purposes of the donation as nearly as may be practicable by such agencies as may be provided therefor.

Sec. 4. That the title to said property donated shall be received, and the trust conferred in the donation shall be assumed, subject to laws that may be passed and carried into effect from time to time which may be necessary to prevent a loss of or damage to the property donated or an abuse or neglect of the trust so as to defeat, materially change, or prevent the objects of the donation.

Sec. 5. That copies of said donation shall be procured and filed with the board which may have control of the university or any of its branches to which the donation applies, which board shall report the condition and management of the property and the manner in which the trust is being administered as part of the matters reported pertaining to said institution.

Sec. 6. The near approach of the close of the session of the legislature creates an imperative public necessity and an emergency authorizing the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended, and this act will take effect from and after its passage.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 76 yeas, no nays; and passed the senate by a vote of 26 yeas, no nays.]  
Approved, March 21, 1889.

#### UNIVERSITY OF TEXAS.

Sec.

1. Title to property donated to university, how vested.
2. Donor may declare how title may be transmitted.
3. In certain contingencies title to vest in state.

Sec.

4. Title received and trust assumed subject to laws, etc.
5. Copies of donations, etc.
6. Emergency clause.

CHAP. 120.—[S. B. No. 94.] An Act to legalize the donation of property to establish or assist in establishing professorships or scholarships in the University of Texas or any of its branches, and to provide for the protection and security of their benefits in accomplishing the objects of their donors.

Whereas the University of Texas is not a corporation capable of receiving a title to property donated, being an institution of learning under the control of the state government: Therefore,

Section 1. Be it enacted by the Legislature of the State of Texas: That any person, association of persons, or body corporate making a donation of property for the purposes of establishing or of assisting in the establishment of a professorship or scholarship in the university or any of its branches, either temporarily or permanently, may vest the legal title in the property in any person or persons, body corporate or the state of Texas, to be held in trust for said purpose under such directions, limitations, and provisions as may be declared in writing in the donation which are not inconsistent with the objects and proper management of said institution or its branches.

Sec. 2. It shall be lawful for the person or persons or body corporate to declare and direct the manner in which said title to said property shall thereafter pass or be transmitted from the person or persons or body corporate receiving it to others in continued succession to be held and appropriated to

the use aforesaid, and it shall be lawful for the donor or donors to declare and direct the person or class of persons who shall receive the benefit of said donation, together with the manner in which the person or persons who shall receive said benefits shall be from time to time selected, as it may become necessary to carry out the object of the donation: Provided, Said declarations and directions are not inconsistent with the objects and proper management of said institution or its branches.

Sec. 3. That in the event there is a failure to transmit the title to the property or to bestow its use in the manner as declared and directed in the donation, or in the event they or either of them should become impracticable from the change of circumstances, the title to the property, unless otherwise directed expressly by the donor, shall vest in the state of Texas to be held in trust to carry into effect the purposes of the donation as nearly as may be practicable by such agencies as may be provided therefor.

Sec. 4. That the title to said property donated shall be received, and the trust conferred in the donation shall be assumed, subject to laws that may be passed and carried into effect from time to time which may be necessary to prevent the loss of or damage to the property donated, or an abuse or neglect of the trust so as to defeat, materially change, or prevent the objects of the donation.

Sec. 5. That copies of said donation shall be procured and filed with the board which may have control of the university or any of its branches to which the donation applies, which board shall report the condition and management of the property and the manner in which the trust is being administered as part of the matters reported pertaining to said institution.

Sec. 6. The crowded condition of business pending before the legislature rendering it impracticable to read this bill on three several days, an imperative public necessity authorizes the suspension of the constitutional rule requiring three several readings, and said rule is hereby suspended.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 28 yeas, no nays; and passed the house by a four-fifths vote.]

Approved, March 27, 1889.

#### WITNESSES—DUPLICATION OF PROCESS FOR.

Sec.

1. Alias process for witness already served prohibited, except.

Sec.

2. Penalty for violating this act.  
3. Emergency clause.

CHAP. 121.—[H. B. No. 302.] An Act to prevent the duplication of process for witnesses in felony cases.

Section 1. Be it enacted by the Legislature of the State of Texas: That from and after the passage of this act it shall be unlawful for the clerk of any district court, after a witness in a felony case has been served with a subpoena or an attachment, to issue any other or further process for said witness, except upon the order of the presiding judge, made upon application to him for that purpose. When a witness has been served with process by one party it shall inure to the benefit of the opposite party in case he should need said witness, and as far as practicable the clerk shall include in one process the names of all witnesses for the state and defendant, and such process shall show that the witnesses are summoned for the state and defendant.

Sec. 2. Any district clerk who shall violate the provisions of this act shall be deemed guilty of a misdemeanor and punished by a fine of not less than ten nor more than one hundred dollars.

Sec. 3. The fact that the state is put to great expense on account of the duplication of process for witnesses in felony cases, and there is no law in force to prevent such duplication, and the near approach of the close of this session of the legislature, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 81 yeas, no nays; and passed the senate by a vote of 27 yeas, no nays.]  
Approved, March 30, 1889.

## PART VI.

### Judicial Districts.

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#### JUDICIAL DISTRICTS—SEVENTH.

- |  |                         |
|--|-------------------------|
| <b>Sec.</b>  | <b>Sec.</b>             |
| 1. Counties comprising seventh district, and terms of court therein. | 3. Repealing clause.    |
| 2. Writs and process, returns of.                                    | 4. Suspension of rules. |
|  | 5. Emergency clause.    |

CHAP. 122.—[S. B. No. 348.] An Act to prescribe the times for holding the terms of the district court in the seventh judicial district, and to repeal all laws and parts of laws in conflict therewith.

Section 1. Be it enacted by the Legislature of the State of Texas: That the district court in the several counties comprising the seventh judicial district shall be held as follows:

In the county of Smith on the first Monday of February and September of each year, and may continue in session seven weeks.

In the county of Van Zandt on the seventh Monday after the first Monday in February and September of each year, and may continue in session four weeks.

In the county of Wood on the eleventh Monday after the first Monday in February and September of each year, and may continue in session three weeks.

In the county of Upshur on the first Monday in January and on the seventeenth Monday after the first Monday in February, and may continue in session three weeks.

In the county of Gregg [on] the fourteenth Monday after the first Monday in September and February, and may continue in session three weeks.

Sec. 2. All writs and process heretofore returnable to the district courts of the several counties comprising the seventh judicial district shall be returnable as herein provided, and shall be as valid and binding as though no change had been made in the times for holding courts herein.

Sec. 3. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 4. The fact that these courts will meet in less than ninety days after the adjournment of the legislature and the lateness of the session creates an imperative public necessity and emergency that the constitutional rule requiring all bills to be read on three several days be suspended, and it is so suspended.

Sec. 5. That this act take effect and be in force on and after Monday, August 5, 1889.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 22 yeas, no nays; and passed the house March 30, 1889.]

Approved, April 2, 1889.

## JUDICIAL DISTRICTS—EIGHTH.

## Sec.

1. Prescribing terms of court in the eighth district.
2. This act to take effect from June 1; process return.

## Sec.

3. Process, bonds, etc.
4. Emergency clause.

CHAP. 123.—[S. B. No. 242.] An Act to prescribe the time for holding district court in the eighth judicial district of Texas.

Section 1. Be it enacted by the Legislature of the State of Texas: That the district courts for the eighth judicial district of Texas shall be held on and after June 1, 1889, as follows:

In the county of Hunt on the first Monday in January and on the second Monday in June, and may continue in session seven weeks.

In the county of Rains on the seventh Monday after the first Monday in January and on the third Monday after the second Monday in September, and may continue in session three weeks.

In the county of Delta on the tenth Monday after the first Monday in January and on the second Monday in September, and may continue in session three weeks.

In the county of Hopkins on the thirteenth Monday after the first Monday in January and on the sixth Monday after the second Monday in September, and may continue in session six weeks.

Sec. 2. That the provisions of this act shall take effect and be in force on and after June 1, 1889, and all process issued before that time and all bonds and other obligations entered into prior to that time shall be returnable to the courts as now held; but all such process and obligations issued June the first, 1889, and thereafter, shall be returnable to the terms of court as herein provided for.

Sec. 3. All process issued prior to June the first, 1889, and all bonds and obligations entered into prior to that time, shall be of legal force and effect as the terms of court provided for herein after the first day of June, 1889, and shall require the person served with such process and parties to such obligations to appear at the times of holding court specified herein and do and perform any act required of such party as if the court were held at the time specified in such bond or process.

Sec. 4. Whereas the terms of court in said district are now held at an impracticable time during the summer months; and whereas it is the unanimous desire of the bar of said district and the court and officers thereof that the next term of the district courts of said district should be held as herein provided; and whereas the business of the court can be more speedily dispatched under this act than under existing laws, thereby saving a large sum to the tax payers of the district; and whereas unless this act should take effect from passage, conflicts might arise in the service and return of process and the legal effect of obligations returnable to said court: Therefore,

Resolved, That an imperative public necessity exists for the immediate passage of this act, and it shall take effect from and after its passage.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 26 yeas, no nays; and passed the house by a vote of 75 yeas, no nays.]

Approved, April 2, 1889.

**JUDICIAL DISTRICTS—ELEVENTH.**

- Sec. 1. Prescribes terms of court in eleventh judicial district.  
2. Emergency clause.

**CHAP. 124.—[H. B. No. 82.]** An Act to prescribe the time of holding the terms of the district court in the eleventh judicial district.

Section 1. Be it enacted by the Legislature of the State of Texas: That the terms of the court of the eleventh judicial district shall hereafter be held as follows:

In the county of Montgomery on the first Monday of July and December in each year, and may continue in session four weeks.

In the county of Harris on the first Mondays in January, April, and October of each year, and shall continue in session eight weeks, or until the business of the court is disposed of.

Sec. 2. That all process and writs heretofore issued, or which may be issued up to the time this act takes effect, by or from the district court of said counties, and made returnable to the terms of said court as now fixed by law, shall be returnable to the next ensuing term of said courts as prescribed by this act, and all such writs and process are hereby legalized and validated as if the same had been made returnable to the term of said courts as fixed by this act.

Approved, March 19, 1889.

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**JUDICIAL DISTRICTS—TWELFTH.**

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|---|---------------------------------|
| Sec.  | Sec.                            |
| 1. Defines the limits of the twelfth district and terms of court therein. | 2. Writs and process—return of. |
|   | 3. Emergency clause.            |

**CHAP. 125.—[S. B. No. 15.]** An Act to amend an act approved March 29, 1887, entitled "An Act to amend an act entitled 'An Act to redistrict the state into judicial districts, and to provide for the election of judges and district attorneys of said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884,'" approved April 9, 1883.

Section 1. Be it enacted by the Legislature of the State of Texas: That section two (2), chapter 81, of the Acts of the regular session of the Twentieth Legislature, be amended so as to hereafter read as follows:

Section 2. The twelfth judicial district shall be composed of the counties of Trinity, Walker, Madison, Leon, and Grimes, and the district courts shall be held in said counties as follows:

In the county of Trinity on the first Mondays in March and September, and may continue in session three weeks.

In the county of Walker on the third Monday after the first Monday in March and September, and may continue in session three weeks.

In the county of Madison on the sixth Monday after the first Monday in March and September, and may continue in session three weeks.

In the county of Leon on the ninth Monday after the first Monday in March and September, and may continue in session three weeks.

In the county of Grimes on the twelfth Monday after the first Monday in March and September, and may continue in session until the business is disposed of.

Sec. 3 [2]. That all writs and process, civil and criminal, heretofore issued and which may be hereafter issued up to the time this act takes effect, and which are made returnable to the terms of the court in said twelfth judicial district as now fixed by law, be and are hereby made returnable to the terms of said court as fixed by this act, in the same manner as if this act were in force when the same were or may be issued.

Sec. 4 [3]. The near approach of the time of holding courts in said district under the law now existing, and the importance of the immediate passage of this bill, creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring this bill to be read on three several days, and the same is hereby suspended, and this act shall take effect and be in force from and after its passage.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 27 yeas, no nays; and passed the house by a vote of 89 yeas, no nays.]  
Approved, January 22, 1889.

#### JUDICIAL DISTRICTS—THIRTEENTH.

- Sec. 1. Prescribes counties and terms of court in thirteenth district.  
2. Emergency clause.

**CHAP. 126.**—[H. B. No. 463.] An Act to amend an act entitled An Act to amend Section 13 of an act entitled An Act to amend Section 13 of an act to redistrict the state into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved March 31, 1885, approved March 23, 1887.

Section 1. Be it enacted by the Legislature of the State of Texas: That an act to amend an act entitled An Act to amend Section 13 of an act entitled An Act to amend Section 13 of an act to redistrict the state into judicial districts, and to fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved March 31, 1885, approved March 23, 1887, be so amended as to hereafter read as follows:

Section 13. The thirteenth judicial district shall be composed of the counties of Limestone, Freestone, and Navarro, and the district courts shall be held therein as follows:

In the county of Freestone on the first Monday in September and the second Monday in February, and may continue in session four weeks.

In the county of Limestone on the fourth Monday after the first Monday in September and on the fourth Monday after the first Monday in February, and may continue in session five weeks.

In the county of Navarro on the first Monday in May and the first Monday in December of each year, and may continue in session eight weeks.

Sec. 2. The fact that these courts will meet in less than ninety days after the adjournment of the legislature creates and imperative public necessity and an emergency that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 83 yeas, no nays; and passed the senate by a vote of 21 yeas, no nays.]  
Approved, March 19, 1889.

JUDICIAL DISTRICTS—THIRTEENTH.

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| <p>Sec.<br/>1. Sub-section 13. Terms of courts in counties of thirteenth district.</p> | <p>Sec.<br/>2. Proviso as to court in Limestone County.<br/>3. Emergency clause.</p> |
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CHAP. 127.—[S. H. B. No. 666.] An Act to amend an act passed by the Twenty-first Legislature, approved March 19, 1889, amending an act entitled An Act to amend section 13 of an act entitled An Act to amend section 13 of an act to redistrict the state into judicial districts and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said district at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved March 31, 1885, which was approved March 23, 1887.

Section 1. Be it enacted by the Legislature of the State of Texas: That section 13 of section 1 of an act entitled An Act to amend section 13 of an act to redistrict the state into judicial districts and fix the time for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved March 31, 1885, amended by an act approved March 23, 1887, amended by an act approved March 19, 1889, be so amended as to hereafter read as follows:

Section 13. The thirteenth judicial district of the state shall be composed of the counties of Limestone, Freestone, and Navarro, and the district courts shall be begun and held therein as follows:

In the county of Limestone on the first Monday in January and the fifth Monday after the first Monday in July, and may continue in session five weeks.

In the county of Freestone on the fifth Monday after the first Monday in January and on the third Monday in September, and may continue in session four weeks.

In the county of Navarro on the first Monday in April, first Monday in July, and the fourth Monday after the third Monday in September, and may continue in session five weeks.

Sec. 2. Provided, That the provisions of this act shall not affect the term of the district court now in session in Limestone County.

Sec. 3. The fact that some of these courts will meet in less than ninety days after the adjournment of the legislature creates an imperative public necessity and an emergency that this act take effect and be in force from and after the date of its passage.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 76 yeas, 1 nay; and passed the senate by a vote of 25 yeas, no nays.]

Approved, April 1, 1889.



**JUDICIAL DISTRICTS—FOURTEENTH AND FORTY-FOURTH  
(DALLAS COUNTY).**

**Sec.**

1. [14.] Defines the limits of the fourteenth district, and terms of court therein.
2. Defines the limits of the forty-fourth district and terms of court therein.
3. Jurisdiction of said courts concurrent; grand juries, etc.
4. Continues the term of the present judge of the fourteenth district.

**Sec.**

5. Governor to appoint judge for forty-fourth district.
6. Where ward or precinct is partly in both districts voter to vote for judge in district of his residence.
7. Dockets of said courts, how made, etc.
8. Writs and process, return of.
9. Repealing clause.
10. Emergency clause.

CHAP. 128.—[S. B. No. 8.] An Act to amend section 14 of "An Act to amend articles 8 and 14 of an act to redistrict the state into judicial districts, and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883; to create the fortieth judicial district of the state of Texas, fix the time for holding court therein, and provide for the appointment of a district judge for said district, approved March 27, 1885; to create the forty-fourth judicial district of the state of Texas, fix the times for holding court therein, and to provide for the appointment of a district judge for said district.

Section 1. Be it enacted by the Legislature of the State of Texas: That section 14 of the above recited act, approved March 27, 1885, be so amended as hereafter to read as follows:

Section 14. [1] All that part of Dallas County lying north of the following line, viz., beginning at the point on the east boundary line of said county where the same is intersected by the center of the track of the Texas and Pacific Railroad; thence in a western direction with the center of the track of said railroad to a point in the city of Dallas where the same is crossed by Jefferson street; thence in a southern direction along the center of said street to a point directly opposite to the center of the court house situated in said city; thence in a western direction directly through the center of said court house to the Trinity River; thence up said river to the point where the same is crossed by said railroad; thence in a western direction with the center of the track of said railroad to the point where the same crosses the western boundary line of said county, shall constitute the fourteenth judicial district, and the district court shall be begun and held therein as follows: On the second Mondays in March, May, September, and December, and may continue in session until the business is disposed of.

Sec. 2. All that part of said county of Dallas lying south of the line as defined in the foregoing section of this act shall constitute the forty-fourth judicial district, and the district courts shall be begun and held therein as follows: On the first Mondays in January, April, June, and October, and may continue in session until the business is disposed of.

Sec. 3. That said district courts of the fourteenth and forty-fourth judicial districts shall have concurrent jurisdiction throughout the limits of said Dallas County of all matters civil and criminal of which jurisdiction is given to the district court by the constitution and laws of the state; and the grand and petit juries for said courts respectively shall be selected and drawn from the body of the county: Provided, That the judge of the fourteenth judicial district shall cause a grand jury to be drawn for and organized at the March and September terms of said court, and the judge of the forty-fourth judicial district shall cause a grand jury to be drawn for and organized at the January and June terms of said court: Provided further, That either of said judges may in his discretion have a grand jury drawn for and organized at any other time or terms of this court.

Sec. 4. That the judge of the fourteenth judicial district as heretofore constituted shall continue as the judge of the fourteenth judicial district as herein constituted until the expiration of the term of his office and until his successor shall be elected and qualified.

Sec. 5. Immediately after this act takes effect the governor shall appoint a suitable person as judge of the forty-fourth judicial district, who shall hold said office until the next general election held for state and county officers and until his successor shall be elected and qualified.

Sec. 6. If any election precinct in Dallas County, or ward in any incorporated city or town therein, shall be situated in part in each of the districts hereby created, then each voter thereof shall vote for the district judge only of the district in which such voter resides.

Sec. 7. When this act takes effect the clerk of the district court of Dallas County shall make up a docket for each of said courts by placing thereon alternately the cases, civil and criminal, now pending in the district court of Dallas County; that is, said clerk shall place the first case on said docket upon the docket of the fourteenth judicial district, and the next upon the docket of the forty-fourth judicial district, and so on to the end of said docket, so that the pending business may be as equally divided between said courts as can in this mode be accomplished; and all cases, prosecutions, and proceedings thereafter filed with said clerk shall by him be entered upon the dockets of said courts alternately, so that the business may be equally distributed between said courts: Provided, Either of said judges may in his discretion transfer any case or cases pending in his court to the other district court herein provided for by order or orders entered upon the minutes of his court, and where such transfer or transfers are made the clerk of the district court of Dallas County shall enter such case or cases upon the docket of the court to which the transfer is made.

Sec. 8. All process heretofore issued or served, returnable to the district court of Dallas County, shall be considered as returnable at the times as herein prescribed, and all such process is hereby legalized and validated as if the same had been made returnable to the court and at the time herein prescribed.

Sec. 9. That all laws and parts of laws in conflict with this act are hereby repealed.

Sec. 10. The crowded condition of the docket of the district court of Dallas County creates an imperative public necessity and emergency that requires that the constitutional rule requiring bills to be read on three several days be suspended, and that this bill be placed upon its passage without being so read, and that this act take effect and be in force from its passage, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 23 yeas, 4 nays; and passed the house by a vote of 60 yeas, 34 nays.]

[Note.—The foregoing act was presented to the governor of Texas for his approval on the twenty-seventh day of February, 1889, and was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the constitution, and thereupon became a law without his signature.—J. M. Moore, Secretary of State.]

## JUDICIAL DISTRICTS—SIXTEENTH.

Sec.

1. Defines the limits of sixteenth district, and terms of court therein.

Sec.

2. Repealing clause.

3. Emergency clause.

CHAP. 129.—[S. H. B. No. 355.] An Act to amend an act entitled An Act to amend section 16 of an act entitled An Act to redistrict the state of Texas into judicial districts and fix the time for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883, approved March 30, 1885, approved March 30, 1887.

Section 1. Be it enacted by the Legislature of the State of Texas: That section 16 of the above recited act be amended so as hereafter to read as follows:

Section 16. The sixteenth judicial district shall be composed of the counties of Denton, Montague, and Cooke, and the district court shall be held therein as follows:

In the county of Montague on the second Mondays in January and July, and may continue in session six weeks.

In the county of Denton on the sixth Mondays after the second Mondays in January and July, and may continue in session eight weeks.

In the county of Cooke on the sixteenth Mondays after the first Mondays in January and second Mondays in July, and may continue in session until the business is disposed of.

Sec. 2. All laws and parts of laws in conflict with this act be and the same are repealed.

Sec. 3. The near approach of the close of the present session of the legislature, and the fact that two terms of the district court of Montague County would be very near together and create unnecessary expense on the county and state, creates an imperative public necessity for the suspension of the constitutional rule which requires that all bills be read on three several days, said rule is hereby suspended and this act should take effect from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 79 yeas, no nays; and passed the senate by a two-thirds vote.]

Approved, March 13, 1889.

## JUDICIAL DISTRICTS—EIGHTEENTH, AND DISTRICT ATTORNEY IN.

Sec. 1. Repeals act of March 15, 1887, providing for election of district attorney in said district.

CHAP. 130.—[S. B. No. 80.] An Act to repeal "An Act to provide for the election of a district attorney in the eighteenth judicial district of the state of Texas," approved March 15, 1887.

Section 1. Be it enacted by the Legislature of the State of Texas: That Chapter 35 of the General Laws of Texas, entitled "An Act to provide for the election of a district attorney in the eighteenth judicial district of the state of Texas," be and the same is hereby repealed: Provided, That the district attorney elect shall hold his office as district attorney for said district until the expiration of the term for which he is elected, after which no district attorney shall be elected for said eighteenth judicial district.

Approved, February 21, 1889.

JUDICIAL DISTRICTS—TWENTY-FOURTH.

Sec.

1. Sub-section 24. Counties composing and terms of court in the twenty-fourth district.

Sec.

2. Emergency clause.

CHAP. 131.—[S. H. B. No. 632.] An Act to amend an act entitled An Act to amend section 24 of an act to redistrict the state into judicial districts, and to fix the times of holding court therein, and to provide for the election of judges and district attorneys in said district at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883, approved February 4, 1885.

Section 1. Be it enacted by the Legislature of the State of Texas: That an act entitled An Act to amend section 24 of an act to redistrict the state into judicial districts, and to fix the time for holding court therein, and to provide for the election of judges and district attorneys in said district at the next general election to be held on the first Tuesday after the first Monday in November, 1881, approved April 9, 1883, shall hereafter read as follows:

Section 24. The twenty-fourth judicial district shall be composed of the counties of De Witt, Karnes, Victoria, Bee, Goliad, Refugio, Calhoun, and Aransas, and the district courts shall be held therein as follows:

In the county of Aransas on the second Mondays in February and August, and may continue in session two weeks.

In the county of Refugio on the fourth Mondays in February and August, and may continue in session two weeks.

In the county of Bee on the second Mondays in March and September, and may continue in session two weeks.

In the county of Karnes on the fourth Mondays in March and September, and may continue in session two weeks.

In the county of Goliad on the second Mondays in April and October, and may continue in session two weeks.

In the county of Calhoun on the fourth Mondays in April and October, and may continue in session two weeks.

In the county of Victoria on the second Mondays in May and November, and may continue in session two weeks.

In the county of De Witt on the first Mondays in June and December, and may continue in session four weeks, or until the business is disposed of.

Section 2. That all writs and process returnable to any of the courts of the twenty-fourth judicial district as now provided by law shall after this act takes effect be returnable to the terms of said court as herein fixed, and shall be as valid and binding as if made returnable thereto. That the near approach of the close of the session, and the fact that the time of holding courts in Calhoun County is changed by this act, render an imperative public necessity that the rule requiring bills to be read on three several days be suspended, and this act take effect from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 75 yeas, no nays; and passed the senate by a vote of 26 yeas, no nays.]

Approved, April 2, 1889.

## JUDICIAL DISTRICTS—TWENTY-FIFTH.

Sec.

1. Defines the terms of court in the twenty-fifth district.

Sec.

2. Repealing clause.

3. Emergency clause.

CHAP. 132.—[S. B. No. 45.] An Act to amend an act entitled "An Act to fix the times for holding the district courts in the several counties comprising the twenty-fifth judicial district of Texas, and to repeal all laws and parts of laws in conflict with the provisions of this act," approved March 21, 1887.

Section 1. Be it enacted by the Legislature of the State of Texas: That chapter 46, of the Acts of the Twentieth Legislature of the state of Texas, approved March 21, 1887, be so amended as to hereafter read as follows: That the district courts of the several counties comprising the twenty-fifth judicial district of Texas shall hereafter begin and hold their terms as follows:

In the county of Colorado on the first Mondays in March and September of each year, and may continue in session six weeks at each term.

In the county of Lavaca on the first Mondays in February and August of each year, and may continue in session four weeks at each term.

In the county of Gonzales on the first Mondays in January and July of each year, and may continue in session four weeks at each term.

In the county of Guadalupe on the first Mondays in May and November of each year, and may continue in session four weeks at each term.

In the county of Wilson on the first Mondays in June and December of each year, and may continue in session four weeks at each term.

Sec. 2. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Sec. 3. The accumulation of the business of the district courts of Colorado County renders it impossible to transact the business of said courts in the short terms fixed by law and creates an emergency, and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 26 yeas, no nays, and passed the house by a vote of 89 yeas, no nays.]

Approved, January 22, 1889.

## JUDICIAL DISTRICTS—TWENTY-SIXTH.

Sec. 1. Prescribes counties and terms of court in twenty-sixth district, etc.

2. Emergency clause.

CHAP. 133.—[S. B. No. 260.] An Act to amend Section 26, Chapter 20, of the extra session of the Eighteenth Legislature, approved February 6, 1884, being an act to redistrict the state of Texas into judicial districts, and to fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts.

Section 1. Be it enacted by the Legislature of the State of Texas: That section twenty-six, chapter 20, of the extra session of the Eighteenth Legislature, approved February 6, 1884, be so amended as to hereafter read as follows:

Section 26. The twenty-sixth judicial district shall be composed of the counties of Travis and Williamson, and the terms of the district court of the twenty-sixth judicial district shall hereafter be held as follows:

In the county of Williamson on the first Monday in January in each year and continue in session until the last Saturday before the third Monday in

February; and on the first Monday in July, and continue in session until the last Saturday in July, unless the business of the court should be sooner disposed of.

In the county of Travis on the third Monday in February in each year, and continue in session until the last Saturday before the first Monday in May; on the first Monday in May, and continue in session until the last Saturday before the first Monday in July; on the first Monday in September, and continue in session until the last Saturday before the first Monday in November; on the first Monday in November, and continue in session until the last Saturday before the twenty-fifth day of December, unless the court should deem it proper to adjourn this term at an earlier day: Provided, That a grand jury for Travis County may not be drawn except for the May term and November term of said court, unless the district judge should deem it necessary to call a grand jury at other terms and should so order.

Sec. 2. The crowded condition of the business of the district court of Travis County, and the importance of disposing of state cases and other cases therein pending more speedily than can now be done, create an emergency and public necessity requiring that the constitutional rule for bills to be read on three several days be suspended, and that this act take effect and be in force on and after the first Monday in August, 1889, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 27 yeas, no nays; and passed the house by a vote of 90 yeas, no nays.]

Approved, March 5, 1889.

#### JUDICIAL DISTRICTS—TWENTY-SEVENTH.

Sec.

1. Defines the terms of court in the twenty-seventh district.
2. Writs and process—return of.

Sec.

3. Repealing clause.
4. Emergency clause.

OHAP. 134.—[S. B. No. 184.] An Act to fix the time of holding the district court in the twenty-seventh judicial district of the state of Texas, and to provide for the issuance and return of process therein, and to repeal all laws in conflict with this act.

Section 1. Be it enacted by the Legislature of the State of Texas: That the terms of the district court in the twenty-seventh judicial district of the state of Texas shall hereafter be begun and holden as follows, to wit:

In the county of Mills on the third Mondays in March and September of each year, and may continue in session two weeks.

In the county of Burnet on the first Mondays in April and October of each year, and may continue in session four weeks.

In the county of Lampasas on the first Mondays in May and November of each year, and may continue in session four weeks.

In the county of Bell on the first Mondays in July and January of each year, and may continue in session until the business is disposed of.

Sec. 2. That all process heretofore issued or served in any of said counties and returnable to the respective terms of the district court therein as fixed by existing laws, and all process that may hereafter and prior to the taking effect of this act be issued or served in any of said counties and returnable to the respective terms of the district court therein as fixed by existing laws, be and the same are hereby legalized and validated and shall be considered as returnable to the next term of said court as herein prescribed, and grand and petit juries heretofore or hereafter and prior to the taking effect of this act selected, drawn, or summoned to serve during the respective terms of the

district court in said counties as fixed by existing laws, be and the same are hereby legalized and validated, and shall be considered selected, drawn, or summoned, as the case may be, to serve during the next term of said court as herein prescribed.

Sec. 3. That all of section twenty-six (26) of "An Act to redistrict the state into judicial districts and fix the times of holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884," approved April 9, 1883, and that so much of section six (6) of "An Act to establish and organize the county of Mills," approved March 15, 1887, as conflicts with the provisions of this act, and all other laws in conflict herewith be and the same are hereby repealed.

Sec. 4. Whereas the times of opening the district court in Mills County and in Bell County are materially changed, and whereas some confusion might otherwise arise therein, there exists an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is hereby suspended; and it is further enacted that this act shall take effect and be in force from and after its passage.

[Note.—The foregoing act originated in the senate, and passed to same by a vote of 26 yeas, no nays; and passed the house by a vote of 72 yeas, no nays.]

Approved, February 21, 1899.

#### JUDICIAL DISTRICTS—TWENTY-EIGHTH.

Sec.

1. Sub-section 28. Terms of court in counties of twenty-eighth district.
2. Writs and process, return of.

Sec.

3. Repealing clause.
4. Emergency clause.

CHAP. 135.—[S. B. No. 369.] An Act to amend an act to re-enact section 28 of an act entitled An Act to redistrict the state into judicial districts and fix the time for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883, and to amend said section 28 of said act, approved February 26, 1886.

Section 1. Be it enacted by the Legislature of the State of Texas: That an act entitled An Act to re-enact section 28 of an act entitled An Act to redistrict the state into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883, and to amend said section 28 of said act, approved February 26, 1886, be and the same is hereby amended so as hereafter to read as follows:

Section 28. The twenty-eighth judicial district of the state of Texas shall be composed of the counties of Webb, Encinal, Duval, Nueces, Zapata, Starr, Hidalgo, and Cameron, and the district courts therein shall be held as follows:

In the county of Cameron on the first Monday in May and November, and may continue in session four weeks.

In the county of Hidalgo on the fourth Monday after the first Monday in May and November, and may continue in session two weeks.

In the county of Starr on the sixth Monday after the first Monday in May and November, and may continue in session two weeks.

In the county of Zapata on the eighth Monday after the first Monday in May and November, and may continue in session one week.

In the county of Webb on the ninth Monday after the first Monday in May and November, and may continue in session five weeks.

In the county of Duval on the fourteenth Monday after the first Monday in May and November, and may continue in session two weeks.

In the county of Nueces on the sixteenth Monday after the first Monday in May and November, and may continue in session until the business is disposed of, not to exceed six weeks.

The unorganized county of Encinal is hereby attached to the county of Webb for judicial purposes.

Sec. 2. Be it further enacted, That all writs and process civil and criminal heretofore issued by or from the district courts in the several counties in the said district and made returnable to the former terms of said courts as said terms are now fixed by law, shall be returnable to the next ensuing terms of said district courts in each county as they are prescribed in this act; and all such writs or process that may be issued by or from said courts at any time within five days next before the holding of the next ensuing terms of said courts as prescribed herein, are hereby made returnable to the term or terms of said courts as the terms thereof are herein prescribed.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Sec. 4. Be it further enacted, That the fact the convenience of the people of the counties of the twenty-eighth judicial district demands that the terms of the district court commence and be held under the provisions of this act creates an imperative public necessity and emergency for the suspension of the constitutional rule requiring bills to be read on three several days, and the said rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 26 yeas, no nays; and passed the house by a vote of 80 yeas, no nays.]

Approved, March 25, 1889.

#### JUDICIAL DISTRICTS—TWENTY-NINTH.

Sec.

1. Defines the limits of the twenty-ninth district, and terms of court therein.

Sec.

2. Writs and process—return of.  
3. Emergency clause.

CHAP. 136.—[H. B. No. 162.] An Act to amend "An Act to designate what counties shall compose the twenty-ninth judicial district of the state of Texas, and to fix the times of holding courts therein," approved March 30, 1887.

Section 1. Be it enacted by the Legislature of the State of Texas: That section 1 of the above recited act be amended so as to hereafter read as follows:

Section 1. The twenty-ninth judicial district shall be composed of the counties of Palo Pinto, Hood, Somervell, Erath, Hamilton, and Coryell, and the terms of the district court shall be held therein each year as follows:

In the county of Palo Pinto on the first Mondays in February and August, and may continue in session three weeks.

In the county of Hood on the third Mondays in March and September, and may continue in session three weeks.

In the county of Somervell on the fifth Mondays after the first Mondays in March and September, and may continue in session two weeks.

In the county of Erath on the seventh Mondays after the first Mondays in March and September, and may continue in session four weeks.



In the county of Hamilton on the eleventh Mondays after the first Mondays in March and September, and may continue in session three weeks.

In the county of Coryell on the third Mondays in January and July, and may continue in session four weeks.

Sec. 2. All writs, process, and bonds, civil and criminal, which may be issued or executed up to the time this act takes effect, by or from the district courts of the several counties above named or under order of said courts, and made returnable to the terms of said courts as they are now fixed by law, shall be returnable to the next ensuing terms of said courts in each county as they are prescribed by this act, and all such writs, process, and bonds above mentioned are hereby legalized and validated to all intents and purposes as if the same had been returnable to the term of said courts as the terms thereof are herein prescribed.

Sec. 3. The fact that the time of holding the courts in the aforesaid district as hereby changed will create a confusion in holding the courts under this act after it takes effect if it should take effect from and after its passage, and the further fact of holding two terms of the district court of Coryell County in quick succession, which will probably have to be done if this act does not take effect until ninety days after the adjournment of this legislature, would cause great and unnecessary expense, creates an emergency and imperative and public necessity that the constitutional rule requiring this bill to be read on three several days in each house should be suspended, and said rule is hereby suspended, and this act shall take effect on and after the first day of April, A. D. 1889.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 85 yeas, no nays; and passed the senate by a vote of 24 yeas, no nays.]

Approved, February 15, 1889.

#### JUDICIAL DISTRICTS—TWENTY-NINTH.

Sec.

1. Time of holding courts in counties of twenty-ninth district.

Sec.

2. Writs and process, return of.  
3. Emergency clause.

CHAP. 137.—[H. B. No. 557.] An act supplemental to and amendatory of an act passed at the present session of the Twenty-first Legislature, approved February 15, 1889, entitled An Act to amend an act to designate what counties shall compose the twenty-ninth judicial district of the state of Texas, and to fix the times of holding courts therein, approved March 30, 1887.

Section 1. Be it enacted by the Legislature of the State of Texas: That the twenty-ninth judicial district shall be composed of the counties of Palo Pinto, Hood, Somervell, Erath, Hamilton, and Coryell, and the terms of the district court shall be held therein each year as follows:

In the county of Palo Pinto on the last Mondays in February and August, and may continue in session three weeks.

In the county of Hood on the third Mondays in March and September, and may continue in session three weeks.

In the county of Somervell on the fifth Monday after the first Mondays in March and September, and may continue in session two weeks.

In the county of Erath on the seventh Mondays after the first Mondays in March and September, and may continue session four weeks.

In the county of Hamilton on the eleventh Mondays after the first Monday in March and September and may continue in session three weeks.

In the county of Coryell on the third Mondays in January and July, and may continue in session four weeks.

Sec. 2. All writs, process, and bonds, civil and criminal, which may be issued or executed up to the time this act takes effect, by or from the district courts of the several counties above named, or under order of said courts, and made returnable to the terms of said courts as they are now fixed by law, shall be returnable to the next ensuing terms of said courts in each county as they are prescribed by this act. And all such writs, process, and bonds above mentioned are hereby legalized and validated to all intents and purposes as if the same had been returnable to the term of said courts as the terms thereof are herein prescribed.

Sec. 1. The fact that the time of holding the courts in the aforesaid district as hereby changed will create a confusion in holding the courts under this act after it takes effect, if it should take effect from and after its passage, and the further fact of holding two terms of the district court of Coryell County in quick succession, which will probably have to be done if this act does not take effect until ninety days after the adjournment of this legislature, would cause great and unnecessary expense, creates an emergency, and an imperative public necessity exists that the constitutional rule requiring this bill to be read on three several days in each house should be suspended, and said rule is hereby suspended, and this act shall take effect and be in force on and after the first day of April, A. D. 1889.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 91 yeas, no nays; and passed the senate by a vote of 27 yeas, no nays.]

Approved, March 5, 1889.

#### JUDICIAL DISTRICTS—THIRTY-FIRST, THIRTY-SECOND, THIRTY-NINTH, FORTY-SIXTH, FORTY-SEVENTH.

Sec.

1. Defines the limits of the thirty-first district, and the terms of court therein.
2. Attaches for judicial purposes Ochiltree and Hansford to Lipscomb; Gray to Wheeler; Hutchinson to Carson.
3. Defines the limits of the thirty-second district, and the terms of court therein.
4. Attaches for judicial purposes Gaines, Terry, and Yoakum to Martin; Borden and Dawson to Howard; Andrews to Midland; Kent and Garza to Scurry.
5. Defines the limits of the thirty-ninth district, and terms of court therein.
6. Attaches for judicial purposes King to Knox; Dickens, Motley, Lubbock, Lynn, and Lloyd to Crosby.
7. Defines the limits of the forty-sixth district, and the terms of court therein.

Sec.

8. Attaches for judicial purposes Cottle and Collingsworth to Childress; Armstrong, Briscoe, and Hall to Donley.
9. Defines the limits of the forty-seventh district and the terms of court therein.
10. Attaches for judicial purposes Sherman, Moore, and Randall to Potter; Hockley, Cochran, Bailey, Lamb, and Swisher to Hale; and Farmer, Castro, Deaf Smith, Hartley, and Dallam to Oldham.
11. Present district judges and attorneys to continue in thirty-first, thirty-second, and thirty-ninth districts.
12. Provides for appointment, etc., of district judges and attorneys in the forty-sixth and forty-seventh districts.
13. Return of writs and process.
14. Repealing clause.
15. Emergency clause.

CHAP. 138.—[S. B. No. 112.] An Act to reorganize the thirty-first, thirty-second, and thirty-ninth judicial districts, and to create the forty-sixth and forty-seventh judicial districts of the state of Texas, to fix the times for holding courts therein, and to provide for the appointment and election of judges and district attorneys in the forty-sixth and forty-seventh judicial districts, and to repeal all laws and parts of laws in conflict herewith.

Section 1. Be it enacted by the Legislature of the State of Texas: That the thirty-first judicial district shall be composed of the counties of Wheeler, Hemphill, Lipscomb, Carson, and Roberts, and the unorganized counties of Gray, Ochiltree, Hansford, and Hutchinson, and the terms of district court shall be held therein each year as follows:

In the county of Wheeler on the first Mondays in April and October, and may continue in session two weeks.

In the county of Carson on the second Mondays after the first Mondays in April and October, and may continue in session two weeks.

In the county of Roberts on the fourth Mondays after the first Mondays in April and October, and may continue in session two weeks.

In the county of Hemphill on the sixth Mondays after the first Mondays in April and October, and may continue in session two weeks.

In the county of Lipscomb on the eighth Mondays after the first Mondays in April and October, and may continue in session two weeks.

Sec. 2. The unorganized counties of Ochiltree and Hansford are hereby attached to the county of Lipscomb for judicial purposes.

The unorganized county of Gray is hereby attached to the county of Wheeler for judicial purposes.

The unorganized county of Hutchinson is hereby attached to Carson County for judicial purposes.

Sec. 3. The thirty-second judicial district shall be composed of the counties of Nolan, Mitchell, Howard, Martin, Midland, Fisher and Scurry, and the unorganized counties of Andrews, Gaines, Dawson, Borden, Terry, Yoakum, Kent, and Garza, and the terms of the district court shall be held therein each year as follows:

In the county of Midland on the first Mondays in February and September, and may continue in session two weeks.

In the county of Martin on the third Mondays in February and September, and may continue in session one week.

In the county of Howard on the fourth Mondays in February and September, and may continue in session two weeks.

In the county of Fisher on the fifth Mondays after the first Mondays in February and September, and may continue in session two weeks.

In the county of Scurry on the seventh Mondays after the first Mondays in February and September, and may continue in session two weeks.

In the county of Nolan on the ninth Mondays after the first Mondays in February and September, and may continue in session three weeks.

In the county of Mitchell on the twelfth Mondays after the first Mondays in February and September, and may continue in session until the business is disposed of.

Sec. 4. The unorganized counties of Gaines, Terry, and Yoakum are hereby attached to the county of Martin for judicial purposes.

The unorganized counties of Borden and Dawson are hereby attached to Howard County for judicial purposes.

The unorganized county of Andrews is hereby attached to the county of Midland for judicial purposes; and the unorganized counties of Kent and Garza be and are hereby attached to Scurry County for judicial purposes.

Sec. 5. The thirty-ninth judicial district shall be composed of the counties of Knox, Baylor, Throckmorton, Haskell, Jones, Stonewall, Crosby, and the unorganized counties of King, Dickens, Motley, Lubbock, Lynn, [and] Floyd, and the terms of the district court shall be held therein each year as follows:

In Jones County on the first Mondays in February and August, and may continue in session five weeks.

In the county of Haskell on the fifth Mondays after the first Mondays in February and August, and may continue in session three weeks.

In Throckmorton County on the eighth Mondays after the first Mondays in February and August, and may continue in session two weeks.

In Baylor County on the tenth Mondays after the first Mondays in February and August, and may continue in session three weeks.

In the county of Knox on the thirteenth Mondays after the first Mondays in February and August, and may continue in session two weeks.

In the county of Crosby on the fifteenth Mondays after the first Mondays in February and August, and may continue in session two weeks.

In the county of Stonewall on the seventeenth Mondays after the first Mondays in February and August, and may continue in session two weeks.

Sec. 6. The unorganized county of King is hereby attached to the county of Knox for judicial purposes.

The unorganized counties of Dickens, Motley, Lubbock, Lynn, and Floyd are hereby attached to Crosby County for judicial purposes.

Sec. 7. The forty-sixth judicial district shall be composed of the counties of Donley, Greer, Childress, Hardeman, and Wilbarger, and the unorganized counties of Cottle, Hall, Briscoe, Armstrong, and Collingsworth, and terms of the district court shall be held therein each year as follows:

In the county of Donley on the second Mondays in January and July, and may continue in session three weeks.

In Childress County on the fourth Mondays after the first Mondays in January and July, and may continue in session two weeks.

In Greer County on the sixth Mondays after the first Mondays in January and July, and may continue in session three weeks.

In Hardeman County on the ninth Mondays after the first Mondays in January and July, and may continue in session four weeks.

In Wilbarger County on the thirteenth Mondays after the first Mondays in January and July, and may continue in session until the business is disposed of.

Sec. 8. The unorganized counties of Cottle and Collingsworth are hereby attached to Childress County for judicial purposes.

The unorganized counties of Armstrong, Briscoe, and Hall are hereby attached to Donley County for judicial purposes.

Sec. 9. The forty-seventh judicial district shall be composed of the counties of Potter, Hale, Oldham, and the unorganized counties of Dallam, Sherman, Moore, Hartley, Deaf Smith, Randall, Parmer, Cochran, Hockley, Bailey, Lamb, Swisher, and Castro, and terms of the district court shall be held therein as follows:

In Potter County on the first Mondays in March and September, and may continue in session four weeks.

In Hale County on the first Mondays in April and October, and may continue in session three weeks.

In Oldham County on the first Mondays in May and November, and may continue in session until the business is disposed of.

Sec. 10. The unorganized counties of Sherman, Moore, and Randall are hereby attached to Potter County for judicial purposes.

The unorganized counties of Hockley, Cochran, Bailey, Lamb, and Swisher are hereby attached to Hale County for judicial purposes.

The unorganized counties of Parmer, Castro, Deaf Smith, Hartley, and Dallam are hereby attached to Oldham County for judicial purposes.

Sec. 11. The district judges and district attorneys heretofore elected and now acting for the thirty-first, thirty-second, and thirty-ninth judicial districts herein mentioned shall continue the exercise of their said offices respectively.

Sec. 12. That immediately after the taking effect of this act the governor shall appoint a suitable person as district attorney and a suitable person as district judge in each of said forty-sixth and forty-seventh judicial districts, who shall hold their office until the next general election, at which time a district

judge and a district attorney shall be elected in each of said districts and at subsequent elections according to existing laws.

Sec. 13. That all process issued or served before this act goes into effect, returnable to the district court of any of the counties of said judicial districts, shall be considered as returnable to said courts in accordance with the terms as prescribed in this act, and all such process is hereby legalized, and all grand and petit juries drawn and selected under existing laws in any of the counties of said judicial districts shall be considered lawfully drawn and selected for the next terms of the districts courts of their respective counties held after this act takes effect, and all such process is hereby legalized and validated.

Sec. 14. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 15. Whereas the rapid settlement of the counties mentioned in this act, and the inability of district judges under former laws to transact all the business in the courts of the said several counties, creates an imperative public necessity, and an emergency exists requiring the suspension of the constitutional rule requiring bills to be read on three several days; therefore said constitutional rule is suspended, and this act shall take effect from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 24 yeas, no nays; and passed the house by a vote of 72 yeas, 7 nays.]

Approved, February 18, 1889.

#### JUDICIAL DISTRICTS—THIRTY-FOURTH.

Sec.

1. Counties composing thirty-fourth district.

2. Fixes terms of court therein.

Sec.

3. Writs and process, return of.

4. Repealing clause.

5. Emergency clause.

CHAP. 139.—[H. B. No. 592½.] An Act to amend the act creating the thirty-fourth judicial district and fixing the terms of court therein, and all acts amendatory thereof.

Section 1. Be it enacted by the Legislature of the State of Texas: That the thirty-fourth judicial district shall be composed of the counties of El Paso, Reeves, and Presidio.

Sec. 2. The district court shall be begun and held in said counties as follows:

In the county of Reeves on the first Mondays in March and September of each year, and may continue in session two weeks.

In the county of Presidio on the second Monday after the first Monday in March and September, and may continue in session two weeks.

In the county of El Paso there shall be begun and held three terms during each year, as follows: On the first Monday in January, and may continue in session until the first Monday in March. On the fourth Monday after the first Monday in March, and may continue in session until the first day of July. On the fourth Monday after the first Monday in September, and may continue in session until the first Monday in January following.

Sec. 3. That all writs and process returnable to the said courts shall be returnable to the terms of the said courts as herein fixed, and all such writs and process as have been issued, executed, and returned shall be as valid as if no change had been made in the time of holding said courts by the passage of this act.

Sec. 4. That all laws and parts of laws in conflict with this act be and

the same are hereby repealed, and this act shall take effect from and after its passage.

Sec. 5. The crowded condition of the docket of the district court of El Paso County causes an emergency that this act shall take effect from and after its passage; and the pressing necessity for this act creates an imperative public necessity that the constitutional rule requiring this bill to be read on three several days be and the same is hereby suspended.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 77 yeas, no nays; and passed the senate by a vote of 25 yeas, no nays.]  
Approved, March 30, 1889.

### JUDICIAL DISTRICTS—THIRTY-SEVENTH AND FORTY-FIFTH (BEXAR COUNTY.)

**Sec.**

1. Subdivision 1. Defines the limits of the forty-fifth district, and terms of court therein. *Proviso.*
- Subdivision 2. Defines the limits of the thirty-seventh district, and terms of court therein.
- Subdivision 3. Prescribes and limits the jurisdiction of said courts, grand juries, etc.
- Subdivision 4. Option of plaintiffs or appellants as to bringing suits in either of said courts.
- Subdivision 5. Vests discretion in judges of said courts to transfer cases from one to the other.
- Subdivision 6. Continues the term of the present judge of the thirty-seventh district.

**Sec.**

- Subdivision 7. Provides for the appointment of a judge in the forty-fifth district.
- Subdivision 8. Where ward or precinct is partly in both districts, voter to vote for judge in district of his residence.
- Subdivision 9. Dockets of said courts—how made.
- Subdivision 10. Writs and process—return of.
- Subdivision 11. Continues district attorney of thirty-seventh district.
- Subdivision 12. Repealing clause.

2. Emergency clause.

CHAP. 140.—[S. B. No. 107.] An Act to be entitled An Act to amend section 37 of an act entitled "An Act to redistrict the state into judicial districts and fix the times for holding court therein and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884," approved April 9, 1883; to create the forty-fifth judicial district of the state of Texas, fix the time for holding court therein, and fixing time for holding court in the thirty-seventh judicial district, and to provide for the appointment of a district judge for said forty-fifth judicial district, and to provide for the venue of causes in said courts, and to regulate the transfer thereof from one of said courts to the other.

Section 1. Be it enacted by the Legislature of the State of Texas: That section 37 of the above recited act, approved April 9, 1883, be so amended as to hereafter read as follows:

Section 37. (1) All that part of Bexar County lying north and west of the following lines, viz., beginning at the intersection of the International and Great Northern Railroad with the Cibola Creek in the boundary line between the counties of Bexar and Comal; thence in a southwestern direction with the center of the roadbed of said railroad to a point within the city of San Antonio where the northern boundary line of the park surrounding San Pedro Springs extended west will intersect said railroad; thence from said point of intersection along said extended line east to the northwest corner of said park; thence in the same direction with said north line of said park to its northeast corner; thence east in the same direction to a point where this line will intersect Maverick Street extended north to intersect this line; thence south to the northern terminus of Maverick Street of said city as now laid out; thence south with said Maverick Street to its intersection with the upper labor ditch of said city; thence up said ditch to where it intersects Grand Avenue of said city; thence with Grand Avenue to the San Antonio River; thence down said river with its meanders to its intersection with the south side of Houston Street; thence with the south side of Houston Street to its intersection with the east side of Soledad Street at the corner of Houston and Soledad streets of said city; thence with the east side of Soledad Street to a

point on same where a line run through the center of the hall of the court house of Bexar County parallel with the walls of said hall will intersect said east side of Soledad Street; thence east through the center of the hall of said court house and parallel with the walls of said hall to the San Antonio River; thence down said river with its meanders to the point where the Galveston, Harrisburg, and San Antonio Railroad crosses same; thence with said Galveston, Harrisburg, and San Antonio Railroad to the point where it crossed said International and Great Northern Railroad; thence in southwestern direction with said International and Great Northern Railroad to its intersection with the boundary line of Bexar County, shall constitute the forty-fifth judicial district, and the district court shall be begun and holden therein as follows, viz.: on the first Monday in March, and may continue in session twelve weeks; on the first Monday in June, and may continue in session four weeks; on the first Monday in September, and may continue in session twelve weeks; and on the first Monday in December, and may continue in session twelve weeks: Provided, That nothing in this act contained shall be construed to prevent the district court of the thirty-seventh judicial district as at present constituted and now in session from continuing in session until the expiration of its term as now fixed by law.

(2) All that part of the county of Bexar lying south and east of the line described in the foregoing subdivision (1) of this act, it being all of said county not included in said forty-fifth judicial district, shall constitute the thirty-seventh judicial district, and the district court shall be begun and holden therein as follows, viz.: on the first Monday in March, and may continue in session twelve weeks; on the first Monday in June, and may continue in session four weeks; on the first Monday in September, and may continue in session twelve weeks; and on the first Monday in December, and may continue in session twelve weeks.

(3) That said district courts of the forty-fifth and thirty-seventh judicial districts shall have concurrent jurisdiction throughout the limits of Bexar County of all matters civil and criminal of which jurisdiction is given to the district court by the constitution and laws of this state, and that the grand and petit juries shall be selected and drawn from the body of the county: Provided, That there shall be no grand jury organized or impaneled by the said judge of the forty-fifth judicial district, but the judge of the thirty-seventh judicial district shall at each term of his court as provided by law organize the grand jury for said thirty-seventh judicial district, which grand jury shall have power to inquire into all offenses committed within the body of the county of Bexar, and all indictments of all matters civil and criminal of which jurisdiction is given to the district court of said thirty-seventh judicial district, and all appeals and criminal cases from the inferior courts of Bexar County shall be returnable to and filed upon the docket of the district court of the thirty-seventh judicial district.

(4) All civil causes of which the district court of said thirty-seventh and forty-fifth judicial districts have original or appellate jurisdiction, may, at the option of the plaintiff in causes to be originally filed in said courts, or at the option of appellant in cause to be appealed thereto, be filed in the district court of either the thirty-seventh or forty-fifth judicial district.

(5) That either of the judges of said respective courts may in his discretion transfer any cause or causes, civil or criminal, that may at any time be pending in his court, to the other district court herein provided for, by order or orders entered upon the minutes of his court, and where such transfer or transfers are made the clerk of the district court of Bexar County shall enter

such cause or causes upon the docket of the court to which said transfer or transfers are made.

(6) That the judge of the thirty-seventh judicial district as heretofore constituted shall continue as the judge of the thirty-seventh judicial district as herein constituted until the expiration of the term of his office and until his successor shall be elected and qualified.

(7) Immediately after this act takes effect the governor shall appoint a suitable person as judge of the forty-fifth judicial district, who shall hold said office until the next general election held for state and county officers and until his successor shall be elected and qualified.

(8) If any election precinct in Bexar County, or ward in any incorporated city or town therein, shall be situated in part in each of the districts hereby created, then each voter thereof shall vote for the district judge only of the district in which said voter resides.

(9) When this act takes effect the clerk of the district court of Bexar County shall make up a docket for each of said courts by placing on the docket of said district court of the thirty-seventh judicial district all causes that may now be on file in said court or may be hereafter filed in said court under the foregoing provisions, and by placing on the docket of said district court of the forty-fifth judicial district all such causes as may be transferred thereto by the judge of the district court of the thirty-seventh judicial district and all such causes as may be filed therein under the foregoing provisions.

(10) All process heretofore issued or served returnable to the district court of Bexar County, shall be considered as returnable at the times herein prescribed, and all such process is hereby legalized and validated as if the same had been made returnable to the court and at the time herein prescribed.

(11) That the district attorney of the thirty-seventh judicial district as heretofore constituted shall continue as the district attorney of the thirty-seventh judicial district as herein constituted until the expiration of the term of his office and until his successor shall be elected and qualified.

(12) That all laws and parts of laws in conflict with this act are hereby repealed.

Sec. 2. The crowded condition of the docket of the district court of Bexar County creates an imperative public necessity and emergency that requires the constitutional rule requiring bills to be read on three several days to be suspended and that this bill be placed upon its passage without being so read, and that this act take effect and be enforced from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 23 yeas, 6 nays; and passed the house by a vote of 41 yeas, 34 nays.]

[Note.—The foregoing act was presented to the governor of Texas for his approval on the 6th day of February, 1880, and was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the constitution, and thereupon became a law without his signature.—J. M. Moore, Secretary of State.]



## JUDICIAL DISTRICTS—THIRTY-EIGHTH.

Sec.		Sec.
1.	Sub-section 38. Counties composing and terms of court in thirty-eighth district.	2. Repealing clause.
		3. Emergency clause.

OHAP. 141.—[S. B. No. 395.] An Act to amend chapter 61, an act entitled "An Act to amend section 38 of an act entitled 'An Act to redistrict the state into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883,' approved March 25, 1887."

Section 1. Be it enacted by the Legislature of the State of Texas: That chapter 61, an act entitled "An Act to amend section 38 of an act entitled 'An Act to redistrict the state into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883,' approved March 25, 1887," be and the same is hereby amended so that the said section 38 shall hereafter read as follows:

Section 38. The thirty-eighth judicial district shall be composed of the counties of Uvalde, Comal, Kendall, Kerr, Bandera, and Medina, and the district courts therein shall be held as follows:

In the county of Uvalde on the second Monday after the first Mondays in March and September, and may continue in session three weeks, and the present term of court in Uvalde County may be continued as if commenced under this act.

In the county of Bandera on the fifth Monday after the first Mondays in March and September, and may continue in session two weeks.

In the county of Kendall on the seventh Monday after the first Mondays in March and September, and may continue in session two weeks.

In the county of Kerr on the ninth Monday after the first Mondays in March and September, and may continue in session two weeks.

In the county of Comal on the eleventh Monday after the first Mondays in March and September, and may continue in session two weeks.

In the county of Medina on the thirteenth Monday after the first Mondays in March and September, and may continue in session until the business is disposed of.

Sec. 2. All laws and parts of laws in conflict with this act are hereby repealed.

Sec. 3. The near approach of the close of the legislature creates an imperative public necessity which justifies the suspension of the constitutional rule requiring bills to be read on three several days, and the same is suspended; and the crowded condition of the docket of the district court in the county of Uvalde requires more time for the disposition of the causes pending, and this fact together with the increasing business in the courts of said county creates an emergency that this bill become a law and take effect from and after passage, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 25 yeas, no nays; and passed the house by a vote of 79 yeas, no nays.]  
Approved, March 30, 1889.

JUDICIAL DISTRICTS—FORTIETH.

- Sec. 1. Sub-section 2. Counties composing and terms of court in fortieth district.  
Sub-section 4. Writs and process, return of.  
2. Emergency clause.

CHAP. 142.—[H. S. S. B. No. 364.] An Act to amend sections 2 and 4 of an act entitled An Act to amend articles 8 and 14 of an act entitled An Act to redistrict the state into judicial districts, and to fix the times for holding courts therein, and to provide [for] the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved April 19, 1883; to create the fortieth judicial district of the state of Texas, and to fix the times for holding courts therein, and provide for the appointment of a district judge for said district, approved March 27, 1883.

Section 1. Be it enacted by the Legislature of the State of Texas: That section 2 of an act entitled An Act to amend articles 8 and 14 of an act entitled An Act to redistrict the state into judicial districts and fix the time for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved April 19, 1883; to create the fortieth judicial district of the state of Texas, fix the times of holding courts therein, and provide for the appointment of a district judge for said district be so amended as to hereafter read as follows:

Section 2. The counties of Ellis, Rockwall, and Kaufman shall be and the same are hereby constituted the fortieth judicial district, and the district courts therein shall be held as follows:

In the county of Ellis on the first Mondays in March and September, and may continue in session eight weeks.

In the county of Rockwall on the first Mondays in May and November, and may continue in session three weeks.

In the county of Kaufman on the fourth Mondays in May and November, and may continue in session seven weeks.

Section 4. All process heretofore issued or served returnable in any of the counties of said judicial district as heretofore prescribed by law, shall be considered as returnable at the times herein prescribed, and all such process is hereby legalized and validated as if the same had been made returnable at the time herein prescribed.

Sec. 2. The near approach of the close of the session of the present legislature and the great need of changing the time of holding the courts mentioned in this act, creates an imperative public necessity, and emergency exists that requires that the constitutional rule requiring bills to be read on three several days be suspended and that this bill be placed upon its immediate passage, and that this bill take effect and be in force from and after its passage.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 82 yeas, no nays; and passed the senate by a vote of 23 yeas, no nays.]  
Approved, April 3, 1889.

## JUDICIAL DISTRICTS—FORTY-FIRST.

## Sec.

1. Prescribes the terms of court in the forty-first district.
2. Writs and process, return of.

## Sec.

3. Repealing clause.
4. Emergency clause.

CHAP. 143.—[H. B. No. 334.] An act to prescribe the times for holding the terms of the district court in the forty-first judicial district, and to repeal all laws and parts of laws in conflict therewith.

Section 1. Be it enacted by the Legislature of the State of Texas: That the terms of the district court in the several counties comprising the forty-first judicial district shall be held as follows:

In the county of Jeff Davis on the second Monday before the first Mondays in March and September, and may continue in session two weeks.

In the county of Brewster on the first Mondays in March and September, and may continue in session two weeks.

In the county of Pecos on the third Monday after the first Mondays in March and September, and may continue in session one week.

In the county of Val Verde on the fourth Monday after the first Mondays in March and September, and may continue in session two weeks.

In the county of Kinney on the sixth Monday after the first Mondays in March and September, and may continue in session three weeks.

In the county of Edwards on the ninth Monday after the first Mondays in March and September, and may continue in session two weeks.

In the county of Maverick on the eleventh Monday after the first Mondays in March and September, and may continue in session until the business is disposed of.

Sec. 2. All writs and process heretofore returnable to the district courts of the several counties comprising the forty-first judicial district shall be returnable as herein provided, and shall be as valid and binding as though no change had been made in the times for holding the courts therein.

Sec. 3. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 4. Whereas there is no time fixed by law for holding the terms of the district court in Jeff Davis County, one of the counties in the forty-first judicial district, the terms of said court having heretofore been held therein under an order of the district judge of the said district, and there is now such important business on the docket of said court in said county, which creates such an emergency and public necessity as requires the suspension of the constitutional rule requiring bills to be read on three several days, said rule is therefore suspended, and it is further enacted that this act take effect and be in force from and after its passage.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 90 yeas, no nays; and passed the senate by a vote of 30 yeas, no nays.]  
Approved, February 23, 1889.

# RESOLUTIONS.

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## JOINT RESOLUTION.

Sec. 1. To amend Section 2 of Article 10 of the Constitution.

No. 1.—[S. J. R. No. 16.] Joint Resolution amending Article 10, Section 2, of the Constitution of the State of Texas.

Section 1. Be it resolved by the Legislature of the State of Texas: That Section 2, Article 10, of the Constitution of the State of Texas, be amended so as to read as follows:

Article 2. Railroads heretofore constructed or which may hereafter be constructed in this state are hereby declared public highways and railroad companies common carriers. The legislature shall pass laws to regulate railroad freight and passenger tariffs, to correct abuses, and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this state, and enforce the same by adequate penalties; and to the further accomplishments of these objects and purposes may provide and establish all requisite means and agencies invested with such powers as may be deemed adequate and advisable.

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors for members of the legislature of the state of Texas at the next general election for state and county officers, at which election all voters favoring said proposed amendment shall write or have printed on their ballots the words, "For the amendment to Article 10, Section 2, of the Constitution, relating to railroads;" and all voters opposed to said amendment shall write or have printed on their ballots the words, "Against the amendment to Article 10, Section 2, of the Constitution, relating to railroads:" Provided, That the said article and section of the constitution may be indicated on said ballots either by words, numerals, or figures. The governor of the state is hereby directed to issue the necessary proclamation for said election, and have the same published as required by the constitution and existing laws of the state.

Approved, April 8, 1889.

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## JOINT RESOLUTION.

Sec. 1. To amend Section 9 of Article 8 of the Constitution.

No. 2.—[S. J. R. No. 19.] Joint Resolution to amend Section 9, Article 8, of the Constitution of the State of Texas.

Section 1. Resolved by the Legislature of the State of Texas: That Section 9, Article 8, of the Constitution of the State of Texas, be so amended as to hereafter read as follows:

### Article Eight.

Section 9. The state tax on property, exclusive of the tax necessary to pay the public debt and of the taxes provided for the benefit of public free schools, shall never exceed thirty-five cents on the one hundred dollars valuation; and no county, city, or town shall levy more than twenty-five cents for city or county purposes, and not exceed fifteen cents for roads

and bridges on the one hundred dollars valuation, except for the payment of debts incurred prior to the adoption of the amendment, September 25, A. D. 1883; and for the erection of public buildings, streets, sewers, water works, and other permanent improvements, not to exceed twenty-five cents on the one hundred dollars valuation in any one year, and except as is in this constitution otherwise provided; and the legislature may also authorize an additional annual ad valorem tax to be levied and collected for the further maintenance of the public roads: Provided, That a majority of the qualified property tax paying voters of the county, voting at an election to be held for that purpose, shall vote such tax, not to exceed fifteen cents on the one hundred dollars valuation of the property subject to taxation in such county. And the legislature may pass local laws for the maintenance of public roads and highways without the local notice required for special or local laws.

Sec. 2. That the governor of Texas be and he is hereby required to submit the foregoing resolution to a vote of the qualified electors of this state at the next general election.

Sec. 3. That those voting for the amendment shall have written or printed on their ballot "For amendment to Section 9, Article 8, of the Constitution," and those voting against the amendment shall have written or printed on their ballot "Against amendment to Section 9, Article 8, of the Constitution."

Approved, April 6, 1889.

#### JOINT RESOLUTION.

Sec.

1. Instructs attorney-general to sue for infringement of copyright.

Sec.

2. Five hundred dollars appropriated for purposes hereof.  
3. Emergency clause.

No. 3.—[S. J. R. No. 12.] Joint Resolution authorizing the attorney-general to bring suit for the state for the violation of the state copyright to the Supreme Court and Court of Appeals Reports, and to make an appropriation therefor.

Whereas it is alleged that the copyright of the state to the Supreme Court and Court of Appeals Reports, published under chapter 12 of the Acts of 1882, approved May 3, 1882, has been violated by the unauthorized publication of said reports: Therefore.

Section 1. Be it resolved by the Legislature of the State of Texas: That the attorney-general be and he is hereby authorized and required to investigate the charge set forth in the preamble hereto, and if satisfied of the truth of the same, to institute in the name of the state such legal proceedings as he may deem necessary and proper to protect the interest of the state in the premises.

Sec. 2. The sum of five hundred dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the purpose of paying the costs and expenses of such investigation and legal proceedings.

Sec. 3. The loss resulting to the state from the violation of her copyright as aforesaid creates an imperative public necessity and an emergency requiring the suspension of the constitutional rule for the reading of bills and resolutions on three several days; said rule is hereby suspended, and this resolution shall take effect from and after its passage, and it is so enacted.

[Note.—The foregoing joint resolution originated in the senate, and passed the same by a vote of 26 yeas, 2 nays; and passed the house by a vote of 86 yeas, no nays.]

Approved, February 22, 1889.

CONCURRENT RESOLUTION.

- Sec. 1. Acknowledges donation by W. H. Westfall, G. W. Lacy, and N. L. Norton.  
2. Sets apart room in capitol for deposit of granite specimens.

No. 4.—House Concurrent Resolution.

Whereas the immense deposit of granite and marble in several counties of this state assures to Texas a high rank in point of building resources, and also promises extensive industrial enterprises to her people; and whereas Burnet County has furnished the entire granite stone for the new state capitol when the most diligent research failed to find available material suited for this purpose elsewhere in this commonwealth, the said Burnet County granite having been decided by the best architects and experts in America, to be capable of the highest polish and greatest durability of any in the United States and equal to any in the known world; and whereas the granite for the capitol building (one of the first in the United States) was a present to the state of Texas free of charge by W. H. Westfall, G. W. Lacy, and N. L. Norton, citizens of Burnet County;

Resolved by the House of Representatives, the Senate concurring:

Section 1. That the state acknowledge with pride the liberality and patriotism of the said W. H. Westfall, G. W. Lacy, and N. L. Norton, in the princely donation of the beautiful granite of which this magnificent new capitol is built, and that the thanks of the people of the state of Texas are hereby tendered to said citizens for the same.

Sec. 2. That as said W. H. Westfall, G. W. Lacy, and N. L. Norton have never asked and do not now ask or desire one cent for the donation they have made, but desire to make an additional present to the state of specimens of granite, marble and lithographic stone of different grades, all polished in their highest capacity; also fire brick and varieties of specimens of wood, finished and polished, to show the resources and quantity of building material in Burnet County; therefore, to enable these men to carry out their desire, a room in this capitol building not needed by the state be set apart for the reception of said deposits, and that each and every county in the state shall have the right and are requested to make similar deposits of any and all building material, in small blocks or pieces, polished in their highest capacity, thus creating a state museum showing the resources of the state in her building materials as well as the quantities and capabilities of the same as to finish and durability, said room to be under the supervision of the commissioner of agriculture, insurance, statistics, and history, and shall be open to all citizens of this state or visitors from abroad when they visit the capitol that they may look through and examine the said deposits in said museum. And in recognition of our appreciation of the donation thus made by W. H. Westfall, G. W. Lacy, and N. L. Norton [they] are hereby especially invited to visit and occupy said room when they visit the capitol during life or until the state shall need the room for other purposes.

Approved, February 25, 1889.

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CONCURRENT RESOLUTION.

- Sec. 1. To appoint committee of house and senate to attend interstate convention.

No. 5.—House Concurrent Resolution.

Whereas the people of Texas, especially the stockgrowers, have become satisfied that there exists a beef and pork combine or trust, having for its or their domicile Chicago, Illinois; Kansas City, Missouri, and perhaps in other

states, but operating in many dark devious ways in the state of Texas to the almost utter destruction of the stock interests in this state; said combine or trust is believed to be directly responsible for the low prices that prevail for their beef products, the price now obtained for such products being but little if any in advance of the actual cost of production; and whereas it is desirable that the operations of said combine or trust should be fully investigated and such legislation enacted as will tend to protect the great stockgrowing interests of this state and the people at large against the iniquitous purpose and intent of said combine or trust; and whereas the state of Kansas has by a concurrent resolution of its senate and house of representatives, now in session, invited the co-operation of the state of Texas and other states interested in assisting them by concert of action in all the states to destroy as far as possible the said combine and trust, and to that end to meet at such place and time as may be designated by the governor of the state of Kansas in a convention of members from the legislatures of the several states interested: Therefore,

Be it resolved by the House of Representatives of Texas, the Senate concurring: That the speaker of the house of representatives shall appoint five members of the house to act with three members of the senate to be appointed by the president thereof, whose duty it shall be to proceed to the place hereinafter to be named by the governor of Kansas, at the time designated by him, there to represent the state of Texas in the convention of states herein before mentioned.

Resolved, That the actual expenses and mileage of said committee be paid for out of the contingent fund of the Twenty-first Legislature.

Approved, March 6, 1889.

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#### CONCURRENT RESOLUTION.

For supply safe to superintendent of public instruction.

##### No. 6.—House Concurrent Resolution.

Be it resolved by the House of Representatives, the Senate concurring: That the superintendent of public buildings and grounds is hereby authorized to remove the safe now in the temporary capitol, known as the state treasurer's safe, into the office of superintendent of public instruction.

Approved, March 19, 1889.

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#### CONCURRENT RESOLUTION.

Addressed to our senators and representatives in Congress in relation to deep water harbor.

No. 7.—[S. C. R. No. 8.] Resolution requesting senators and representatives from Texas in congress to secure a permanent appropriation of the amount that may be recommended by the board of engineers as necessary to construct and maintain a first class deep water harbor on the coast of Texas.

Whereas in the Interstate Deep Harbor Convention held in Denver, Colorado, in August, 1888, the states of Texas, Colorado, Nebraska, Missouri, Iowa, Arkansas, California, Nevada, and Kansas, and the territories of New Mexico, Wyoming, Dakota, Arizona, and Indian Territory being represented, it was unanimously resolved by the said convention that the commercial, agricultural, mining, manufacturing, and stock interests of that part of the United States lying west of the Mississippi, and the commercial and naval necessities of the entire country, demand a first class, permanent, safe, deep

water harbor on the coast of Texas; and whereas the speedy construction and maintenance of such harbor will greatly promote the prosperity of Texas by giving her a better market and commercial advantages for her rapidly increasing surplus products: Therefore,

Resolved by the Senate, the House of Representatives concurring therein: That our senators and representatives in congress are earnestly requested to procure immediately, by appropriate legislation, a permanent available appropriation of the amount recommended by the board of engineers as necessary for the construction and maintenance of a first class deep water harbor on the coast of Texas capable of safely accommodating the largest ocean carriers and naval vessels of the world.

Approved, March 29, 1889.

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THE STATE OF TEXAS,  
DEPARTMENT OF STATE.

I, J. M. Moore, secretary of state of the state of Texas, certify that the foregoing laws and resolutions, passed at the regular session of the Twenty-first Legislature, have been carefully examined and compared with the original enrolled bills now on file in this department, and are true copies of said originals.

I further certify that the Twenty-first Legislature convened in the city of Austin, January 8, A. D. 1889, and adjourned April 6, A. D. 1889.

In testimony whereof I have subscribed my name, and hereto affixed the seal of the state of Texas, in the city of Austin, May 4, 1889.

J. M. MOORE,  
Secretary of State.



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**SPECIAL LAWS**

**OF**

**THE STATE OF TEXAS**

**PASSED AT THE**

**REGULAR SESSION OF THE TWENTY-FIRST LEGISLATURE**

**CONVENED**

**AT THE CITY OF AUSTIN**

**JANUARY 8, 1889, AND ADJOURNED APRIL 6, 1889.**



**AUSTIN**  
**1889**



# SPECIAL LAWS OF TEXAS.

## TWENTY-FIRST LEGISLATURE, 1889.

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100. To prevent boxing matches, etc.
101. To prevent trespasses, breaches of peace, etc.
102. To control or prohibit use of steam whistles.
103. To regulate the slaughter of animals, etc.
104. To require cleansing of soap and tallow chandler establishments, etc.
105. To require owners of private drains to keep same in repair, etc.
106. To prevent deposit in city limits of carcasses of dead animals.
107. To provide for sprinkling streets, etc.
108. To license, tax, and regulate merchants.
109. To license, tax, and suppress paupers, peddlers, etc.
110. To license, tax, and regulate hackmen, etc.
111. To license, tax, and regulate billiard tables, etc.
112. To regulate sale of intoxicants.
113. To regulate inspection of beef, flour, etc.
114. To open, close, and regulate saloons, etc.
115. To prevent sale of liquors in theatres, etc.
116. To prevent location of saloons in resident portions of the city.
117. To make regulations concerning butchers, bakers, etc.
118. To prohibit driving cattle through city.



## SBO.

## GENERAL POWERS OF CITY COUNCIL—cont'd.

111. As to inspection of old buildings, erection of telephone poles, etc.
  112. To regulate speed of locomotives within the city.
  113. To control laying out of railroad tracks, switches, etc.
  114. To regulate running of horse cars, etc.
  115. The city may own property necessary for municipal purposes.
  116. To grant right of constructing street railroads, etc.
  117. As to occupancy of streets by railroad companies, etc.
  118. As to collecting ordinary municipal taxes on franchises, etc.
  119. Power to fund debts.
  120. To appropriate general revenues to retire accrued indebtedness, etc.
  121. Bonds shall specify for what purpose issued—sinking fund, etc.
  122. Bonds—how executed.
  123. Bonds to be registered by the comptroller.
  124. Duty of mayor to furnish comptroller statement of taxable property, etc.
- REVENUE.
125. Providing for levy and collection of ad valorem tax.
  126. Taxes for schools, academies, etc.
  127. Occupation taxes.
  128. Regulating issuance of licenses, etc.
  129. No property exempt from special taxes for local improvements.
  130. Fiscal year.
  131. Who liable for tax on property.
  132. Personal property liable for all taxes.
  133. To provide for prompt collection of taxes.
  134. Assessment of corporate property—of stocks, etc.
  135. Manner and mode of tax lists, etc.
  136. Rendition of property by owners.
  137. Duties of city assessor.
  138. Assessing for back taxes.
  139. Unrendered property to be assessed.
  140. Where assessor and owner fail to agree, board of appeals to decide value.
  141. Taxes a lien.
  142. Collection of taxes—persons removing from the city.
  143. Taxes—where payable.
  144. No demand for taxes necessary.
  145. As to levy on and sale of property for taxes.
  146. Notice of sales of realty, etc.
  147. Further authority of council.
  148. Tax deeds—rule of evidence as to.
  149. Sale of personalty conveys absolute title.
  150. City may buy at tax sales.
  151. As to redemption of property sold to the city.
  152. Foreclosure of equity of redemption by purchasers at tax sale.
  153. City may sue for collection of taxes.
- STREET IMPROVEMENTS.
154. City council shall have power to grade streets, etc.

## SBO.

## As to special assessments for local improvements.

- SIDEWALKS.
156. Sidewalks—nature and extent of.
- SEWERS.
157. Sewers—city council to provide regulations and restrictions in construction of.
- CONDEMNATION OF PROPERTY.
158. Taking private property for public use.
  159. As to requiring the drainage of lots, etc.
  160. To adopt police regulations and enforce powers herein declared.
- PUBLIC SCHOOLS.
161. Public schools—control of, etc.
- MISCELLANEOUS.
162. City offices to be kept in city hall.
  163. Contracts—how executed—service of process against the city.
  164. Rule of evidence in suits for taxes, etc.
  165. City not liable for damages for defective streets, except after notice, etc.
  166. Limitation as to suits for damages against city.
  167. Demand as condition precedent to suits against city.
  168. City not required to give any judicial bonds.
  169. City property exempt from forced sale.
  170. As to removal of dangerous structures.
  171. Condemnation of dangerous buildings.
  172. Pleading ordinances, etc.
  173. Style of writs, by whom executed, etc.
  174. As to revocation of licenses, etc.
  175. May print ordinances in code form.
  176. To require telegraph companies, etc., to change location of poles, etc.
  177. The style of ordinances.
  178. Publication of ordinances.
  179. When ordinances to take effect.
  180. Ordinances—how evidenced.
  181. Ordinances, etc., now in force, to continue.
  182. Enrollment of ordinances.
  183. Remission of fines.
  184. No liens to exist against public school buildings, etc.
  185. Contracts for improvements exceeding the value of \$500 to be let to the lowest bidder.
  186. Contractors' bonds.
  187. Appropriation for sinking fund not to be diverted.
  188. The provisions of this act not invalid when in conflict with any state law.
  189. General law to apply—when.
  190. Vesting property of the city in the corporation hereby created.
  191. Limitations on retroactive effect of this law.
  192. Offices hereby provided for to be established by ordinance—except.
  193. Judicial notice of this act.
  194. Power to prohibit working state convicts within limits of city.
  195. To regulate variety theatres.
  196. Repealing clause.
  197. Emergency clause.

CHAP. 1.—[S. B. No. 259.] An Act to incorporate the city of Dallas, and to grant it a new charter.

Section 1. Be it enacted by the Legislature of the State of Texas: That the inhabitants of the city of Dallas, in Dallas County, and State of Texas, shall continue to be and are hereby constituted a body politic and corporate by the name and style of the city of Dallas; and by that name shall have perpetual succession; shall have all the rights, immunities, powers, privileges, and franchises now enjoyed by said city and herein granted, and be subject to all its present liabilities, and may sue and be sued, plead and impleaded, in all courts of law and equity, may contract and be contracted with, may take, hold, and convey any property whatever for corporation purposes, either within or without the city limits, and may have a common seal and alter the same at pleasure.

## BOUNDS AND LIMITS.

Sec. 2. That the bounds and limits of said city are hereby established and described as follows:

Beginning on the east bank of Trinity River at low water mark, and mid-

way between Commerce Street and Main Street; thence southerly with the meanderings of said river to the southeast boundary line of the A. C. McDaniel survey; thence in a course about north 45 east with said southeast boundary line to the A. C. McDaniel survey to northeast line of right of way of the Houston and Texas Central Railway main track, a distance of 4250 feet, more or less; thence southwesterly with said right of way line of the Houston and Texas Central Railway main track, a distance of 8361 feet, more or less, to the east boundary line of the original corporation of the city of Dallas.

Thence with said line (about north 14 west) to the northeast corner of said original corporation, a distance of 7776 feet, more or less. Thence with the north line of said original corporation (about south 76 west) a distance of 1420 feet, more or less, to the right of way of the Houston and Texas Central Railway; thence northwesterly along said right of way line of said Houston and Texas Central Railway to the centre of Flora Street, a distance of 440 feet, more or less. Thence along said centre line of Flora Street, north 45 east, to the southeast side of Haskell Avenue, a distance 3300 feet, more or less.

Thence with the southwest side of Haskell Avenue (about north 45 west) and its continuation to the northwest side of Preston Avenue extended, a distance of 5310 feet, more or less; thence with the northwest side of Preston Avenue (about south 45 west) to the northeast boundary line of Bowser & Lemmon's Oak Lawn and North Dallas addition to the city of Dallas, a distance of 360 feet, more or less; thence with the northeast boundary line (about north 45 west) to the southeast side of Washington Avenue, a distance of 2040 feet, more or less; thence with the southeast side of said Washington Avenue (about south 45 west) to the southwest side of Cedar Springs road, a distance of 2750 feet, more or less; thence with the southwest side of Cedar Springs road (about south 45 east) to the southeast side of Oak Lawn Avenue, a distance of 210 feet, more or less; thence with the southeast side of Oak Lawn Avenue (about south 45 west) and its continuation to the southwest side of the present right of way of the Dallas and Wichita Railway, a distance of 4200 feet, more or less; thence southeasterly with the present southwest line of the said right of way to the northwest side of Payne Street, a distance of about 4500 feet; thence with the northwest side of Payne Street extended (about south 45 west) to the original corporation line of the city of Dallas, a distance of 770 feet, more or less; thence with said original corporation line (about south 76 west) to low water mark of Trinity River, a distance of 1200 feet, more or less; thence southerly with the meanderings of said river to the place of beginning.

Sec. 3. That any territory adjoining the present or future boundaries of said city may from time to time, in any size or shape desired, be admitted and become a part thereof on application made or written consent given to the city council by the owner or owners of the land, or, as the case may be, by a majority of the legal voters resident on the land sought to be added. In all such cases the territory so added shall be described by metes and bounds in an ordinance accepting, assenting, and adding the same to the municipal corporation; and thereafter the inhabitants of such added territory shall, in all respects, be on an equal footing with the inhabitants of the original municipal territory: *Provided*, This section shall not apply to any part of the territory known as East Dallas, which shall only be added by a majority vote of the inhabitants thereof at an election duly called for that purpose by the county judge and conducted in the manner prescribed by law; the city council of Dallas is hereby empowered to make satisfactory terms for assuming the

payment of the bonded and floating indebtedness of said East Dallas, and such other terms that may be deemed necessary for such annexation.

Sec. 4. That the city council may divide the city into a convenient number of wards, not exceeding twelve, and define and establish the boundaries thereof, and may change the same from time to time as may be deemed expedient, having regard for the number of inhabitants so that each ward shall contain as nearly as may be the same number of qualified electors for city election.

Sec. 5. All qualified electors of the state who shall have resided for six months immediately preceding the election within the limits of said city shall have a right to vote for mayor and all other elective officers of said city, but in all elections to determine the expenditure of money or assumption of debt, or levy of special taxes, only those shall be qualified to vote who pay taxes on property in said city, their qualification to be ascertained by an inspection of the assessment rolls.

#### LEGISLATIVE DEPARTMENT.

Sec. 6. The legislative power of the city of Dallas shall be vested in the city council, consisting of a mayor and two aldermen from each ward, all of whom shall be elected by the people biennially as hereinafter provided. Said officers shall perform such duties as are herein required of them and as may be prescribed by ordinance. The mayor shall receive an annual salary of not more than three thousand dollars, and he shall not receive any fees or commissions. The aldermen shall receive for their salaries such compensation as the city council may provide by ordinance, not to exceed three dollars for each meeting.

Sec. 7. No person shall be eligible to the office of mayor or alderman unless, in addition to other qualifications required by law, he be at the date of his election a qualified voter of the city of Dallas, a freeholder therein, and shall have resided therein for at least one year preceding his election, and shall have paid a city tax and shall not be in arrears in the payment of any tax or other liability due the city.

Sec. 8. No person shall be eligible to any office, elective or appointive, in the city of Dallas, unless he be a qualified voter therein.

Sec. 9. The first election under this charter shall take place on the first Tuesday in April, 1889, at which time and every two years thereafter there shall be elected by the qualified voters of said city a mayor, a city judge, and one alderman from each ward, who shall hold their offices for two years and until their successors are elected and qualified: Provided, That two aldermen may be elected from the eighth and ninth wards.

Sec. 10. The second general election under this charter shall be held on the first Tuesday in April, 1890, at which time and every two years thereafter there shall be elected by the qualified voters of each ward in said city one alderman from each of said wards, who shall hold his office for two years and until his successor is elected and qualified, and also the city assessor, and city collector, and chief of police.

Sec. 11. Aldermen from wards must be residents of said wards and voted for only by voters of their wards.

Sec. 12. Said elections shall be held at such places as the city council may direct, and at least thirty days notice thereof shall be given by publication in one or more newspapers of said city.

Sec. 13. Said elections shall be ordered by the mayor or city council. For the purposes of holding such election and others ordered, the city council

shall appoint biennially in each ward some suitable person who shall be presiding officer at all elections in his ward.

Sec. 14. The presiding officer in each ward shall select two judges and two clerks, who with the presiding officer shall be managers of the election. The presiding officer and judges must be qualified voters in the city. The city council shall provide for their compensation and define and regulate their duties and powers. The mayor, whenever an election is ordered, shall give the required notice and issue to the presiding officer a writ of election, and every published notice of election shall state the officer to be elected, the place where the election will be held, and the name of the presiding officer thereat. In case the officer so appointed is unable, fails, refuses, or neglects to act, or the city council have failed to appoint, and in case no appointed presiding officer appears to open the polls, the attending qualified voters may appoint such officers, who shall perform the same duties and have the same powers as the first appointee; but in such cases the managers in their returns or otherwise shall certify that the presiding officer failed to attend or neglected to act and that the person acting as such was duly chosen by the electors present.

Sec. 15. The manner of conducting and voting at elections under this act and contesting same, keeping of the poll-lists, canvassing the votes, and certifying the returns, shall be such as the city council may provide by ordinance, and in case no such provisions are made by the council then the state election law for cities and towns, so far as applicable, shall govern unless herein otherwise provided.

Sec. 16. The managers of elections shall be sworn to well and truly conduct the elections without partiality or prejudice and agreeably to law according to the best of their skill and ability, which oath shall be administered to the judges and clerks by the presiding officer. The presiding officer shall be sworn to discharge the duties of presiding officer of elections to the best of his skill and ability, which oath shall be administered by the mayor, city secretary, or any justice of the peace.

Sec. 17. Whenever it happens in such elections that there is a tie between one or more candidates for the same office, the mayor or city council shall declare such election void as between such candidates, and order a new election for such office, giving at least ten days notice thereof.

Sec. 18. All vacancies in offices shall be filled by special elections, but in such cases it shall not be necessary to give more than ten days notice. Special elections shall be conducted as are regular elections.

Sec. 19. Every person elected or appointed to any office in the city of Dallas shall before he enters upon his duties take the official oath prescribed by the state constitution and such additional oath as the city council may deem best to secure a faithful performance of duty.

Sec. 20. The other officers of said city shall be a treasurer, an assessor, a collector, a city secretary, a city judge, a city attorney, chief of police, a city engineer, a city health officer, a superintendent of water works, an auditor and such other officers or agents as the city council may direct, all of whom except the assessor, collector, city judge, and chief of police shall be elected by the city council as the present terms of such officers expire and every two years thereafter: Provided, That the regular time for electing such officers by the council or such of them whose terms have expired shall be on the second Monday in May after each regular annual election. This section shall not be construed to interfere with the terms of any person now occupying any of said offices. All officers elected by the council shall hold their offices for two years and until their successors are elected and qualified. They shall

give such bonds as the city council may require and perform such duties as are herein provided, as may be prescribed by the city council before each annual election for the officers to be elected; and such compensation shall not be changed during the term of said officers.

Sec. 21. The compensation of all officers shall be such as may be fixed by the city council.

Sec. 22. The term "officer," as used in this charter, shall apply only to those officers who are elected by the people or the council, for a fixed and definite period, and the same does not include policemen and other agents or employees of said city.

Sec. 23. Any officer moving out of the city limits, or the ward from which he may have been elected alderman, or ceasing to possess any of the qualifications required of him, shall thereby vacate his office, and the same shall be filled by special election or appointment as the case may be.

#### THE MAYOR.

Sec. 24. The mayor shall be elected and hold his office as hereinbefore provided. He shall be the chief executive officer of the city. He shall have power to appoint special policemen for any special occasion, and call out the militia and military in the city for the suppression of any riot or public disturbance. He shall be active in enforcing the laws and ordinances of said city. He shall from time to time give the council information about the condition of affairs, and recommend for consideration such measures as he deems best for the city. He shall have, by the advice and consent of the council, power to appoint experts to examine the affairs of any department of the city when he thinks it necessary. In all cases of the examination of charges against any officer or employee of the city, election contests, etc., he shall have power to administer oaths, subpoena and compel the attendance of witnesses and the production of books and papers. He shall sign all contracts or obligations of the city. He shall have the power to veto any resolution, by-law, motion, or order passed by the city council, by filing his written objections thereto within three days after the passage thereof, Sundays and day of passage to be excluded. At the next regular meeting, or as soon thereafter as practicable, the council shall consider such objections, and unless the council pass the measure over his veto by a two-thirds vote of the aldermen present, taken by yeas and nays, said measure shall be of no effect. The mayor shall have power to require any officer of the city to exhibit his books and papers, and a refusal of any officer when so required shall be deemed a forfeiture and abandonment of said office. The mayor shall have and exercise such other powers and perform such other duties as may be conferred or required by the city council not inconsistent with this charter.

#### CITY COURT.

Sec. 25. That the judicial power of the city of Dallas shall be and the same hereby is vested in a court to be known as "The Dallas City Court," to be presided over by a judge to be known as the "City Judge," which court hereby is created and established with a criminal jurisdiction as follows:

First. To try, hear, determine, and punish all misdemeanors over which the recorder's court of Dallas now has jurisdiction.

Second. To try, hear, determine, and punish all misdemeanors arising under the ordinances of the city authorized by any of the provisions of the charter. To have concurrent jurisdiction with state courts over all misde-

meanors against state laws committed within the city limits, except theft, swindling, and those involving official misconduct, and to have exclusive jurisdiction over female vagrants.

Sec. 26. Said city court shall be deemed always open for the trial of said causes, and proceedings before said court shall be commenced by filing a written complaint, specifying the charges made against the accused with reasonable certainty, which complaint shall be sworn to, and shall not be quashed for any formal defects if it substantially sets forth the nature of the violation alleged. Said court shall have no civil jurisdiction.

Sec. 27. All process of said court shall run in the name of the city of Dallas, and shall be served and executed in the same manner as like process issuing from a state court, unless herein otherwise provided. The practice and procedure of the state courts, so far as applicable and practicable, shall govern in said city court, unless otherwise provided herein or by ordinance of the city council.

Sec. 28. In lieu of the present office of recorder of the city of Dallas, there is hereby created the office of city judge, which shall be filled by some suitable person to be elected by the people at the regular annual election in April, 1889. Such officer when elected shall be known as the city judge, and shall preside over and hold said court and discharge all the duties thereof. He shall hold his office for the term of two years, and until his successor is elected and qualified. He shall be a resident of said city, and a qualified voter therein. He shall be a person learned in the law.

Sec. 29. He shall have full power and authority to enforce all powers of said city court. He shall have full power to issue subpoenas for witnesses, and to compel their attendance by process of attachment. He may punish all contempts of his court by fines and imprisonment, or either. He may issue subpoenas, writs of *capias*, warrants of arrest, search warrants, executions, and all process known to law which state courts in such cases may issue. He may require of any person arrested a bond for his or her good behavior, and to keep the peace, or for his or her appearance before said court, with two good and sufficient sureties, which bonds, as well as all other bonds taken in any proceeding in said court, shall be payable to the city of Dallas. He shall have full power to administer official oaths and affirmations, and give certificates therefor. The city council may determine what costs, if any, shall be charged for proceedings in and for all processes issued by said court, and shall allow the judge thereof for his services such compensation as they may deem just. He shall perform all the duties herein required, and such other duties as may be prescribed by ordinance, not inconsistent with the constitution of this state. All fines imposed by said court shall be paid into the city treasury for the use of the city. The city council may, if they deem it necessary, provide said court with a clerk and seal. In cases of temporary failure to act for any cause on the part of the city judge, the mayor is hereby authorized to appoint some person qualified, who shall discharge the duties of said office and receive the pro rata compensation due therefor. The provisions herein referring to said city judge shall not be construed to interfere with the term of the present city recorder until the time for which he was elected has expired.

Sec. 30. All jurors in said court shall be residents of said city and otherwise possess the same qualifications as jurors in state courts. They shall be summoned and selected in such manner as the city council may provide by ordinance.

Sec. 31. Appeals shall lie from said court to the court of appeals in all cases where the fines imposed by the court or jury shall exceed \$100. Said

appeals shall be governed by the rules of practice and procedure for appeals from the county court to said court of appeals, so far as the same may be applicable.

#### POLICE DEPARTMENT.

Sec. 32. There shall be a police department, composed of chief of police, who shall be elected as heretofore provided, and such policemen as may be employed on the force, and a police board, composed of the mayor and any two aldermen selected for that purpose. The mayor shall be chairman of said board. Said board shall make such rules and regulations for the government of said department as to them may seem best.

Sec. 33. The chief of police shall be the chief police officer of the city under the mayor. He may appoint one or more deputies, and shall, either in person or by deputy, attend all meetings of the council and upon the city court, and promptly and faithfully execute all writs and process issued from said court. He shall have like power with the sheriff of the county to execute search warrants and other writs. He shall be active in quelling riots, disorders, disturbances of the peace, and violations of every kind within the city limits, and shall take into custody all persons thus offending, and may take good and sufficient bail for the appearance before the city court of any person charged with any offense against the ordinances or laws of the city. It shall be his duty to arrest without warrant all violators of said ordinances or laws, and all who obstruct or interfere with him in the discharge of his duties. In the prevention and suppression of crime and arrest of offenders, he shall have the same powers of a sheriff of a county under the laws of the state. He shall perform such other duties and possess such other powers as the council may by resolution or ordinance require and confer.

#### DUTIES OF OTHER OFFICERS.

Sec. 34. It shall be the duty of the city secretary to attend every meeting of the council and keep accurate minutes of the proceedings thereof in a book to be provided for that purpose, and to engross and enroll all laws, resolutions, and ordinances of the city, to preserve and keep in order all books, papers, documents, records, and files of said council, to countersign all commissions and licenses issued by the mayor, and to keep a record of them, and draw all warrants on the treasurer and countersign the same, and keep accurate account thereof in a book provided for that purpose. He shall have custody of all laws and ordinances of said city. He shall have custody of the seal of corporation, and shall only affix the same to the obligations of the city by order of the city council. He shall perform such other and further duties as may be required of him by the council by resolution, ordinance, or otherwise, and give such bond and receive such compensation and fees as the city council may prescribe.

#### CITY ATTORNEY.

Sec. 35. The city attorney shall attend to all cases in any court in this state wherein the city may be a party in interest, unless the council otherwise provides. He shall draw all ordinances, and inspect and pass upon all papers and documents involving any interest of the city. He shall be the legal adviser of the mayor, the city council, or any committee thereof, and all city officers upon legal questions touching their official duties. He shall receive such compensation and fees as the council may allow, give such bond and perform such other duties as the council may prescribe.

CITY ENGINEER.

Sec. 36. The city engineer shall inspect and pass upon the construction of all public works ordered by the city, and shall make out plans and specifications and estimates therefor; he shall do the surveying and engineering ordered by the city; he shall preserve all plans, maps, notes, surveys, books, papers, and documents, and other things pertaining to his office made by him or in his charge, and deliver the same to his successor in office. He shall have such other powers and perform such other duties as may be required of him by the council by resolution, ordinance, or otherwise. The city engineer shall receive such compensation as the city council may prescribe, and give such bond as may be required by the city council.

CITY COLLECTOR.

Sec. 37. The city collector shall collect all taxes due the city, whether the same be general, special, special assessments, occupation, license, or otherwise, and shall pay the same over to the city treasurer promptly as collected, taking duplicate receipts therefor, one of which he shall retain and the other he shall return to the council. He shall monthly, or oftener if required, make a detailed report to the council of all collections made by him. He shall be vigilant and see that no business of any kind is conducted without the license or occupation tax due therefor shall have been first paid. He shall be responsible for all acts of his deputies. He shall be vigilant in collecting all delinquent taxes, and enforce their collection as herein provided, and as may be provided by ordinance. He shall give bond in such amount and form as the council may prescribe, with good and sufficient securities. The council may require a new bond of him if in their opinion the existing bond is insufficient, and whenever such bond is required he shall perform no official act until such bond shall be given and approved. He shall receive such compensation and costs as the city council may prescribe. He shall have all the powers and perform all the duties herein provided, and such others as the council may confer and prescribe.

TREASURER.

Sec. 38. The city treasurer shall give such bond as the city council may require, conditioned for the faithful discharge of his duties. He shall receive and securely keep all monies belonging to the city, and make all payments for the same upon the order of the mayor, attested by the secretary, under seal of the corporation: Provided, That no order shall be paid unless it shows upon its face that the city council has ordered its issuance, and for what purpose. He shall render a full and correct statement of his receipts and payments to the city council at their first regular meeting in every month, and at such other times as the council may require. He shall perform such other acts and duties as the council may require, and receive such compensation as the council may prescribe.

ASSESSOR.

Sec. 39. The city assessor shall assess all the taxable property in the city in such manner and within such time as the city council may prescribe. He shall make duplicate assessment rolls, and on their completion and approval by the city council he shall deliver one to the city secretary and the other one to the city collector. The assessor is hereby authorized to require property



owners to render a correct account of their property under oath or affirmation, to be by him administered. He shall have such other powers and perform such other duties as the council may confer and prescribe by ordinance, and shall receive such compensation as the city council may prescribe.

Sec. 40. The superintendent of the water works shall have charge of the city water works, and shall manage and control the same subject to such regulations as the city council may prescribe by ordinance or otherwise, and shall receive such compensation as the city council may prescribe.

Sec. 41. The health officer and city auditor shall each have such powers and perform such duties as the city council may confer and prescribe by ordinance or otherwise, and shall receive such compensation as the city council may prescribe.

Sec. 42. The city council shall have power from time to time to require other duties of all city officers.

#### CITY COUNCIL.

Sec. 43. The city council shall be composed of the mayor and aldermen provided for in this charter. The mayor shall be president of the council, and in case of a tie on any question he shall give the casting vote, but in elections he shall vote as other members of the council. At the first meeting of each new council, or as soon thereafter as practicable, the council shall elect one of the aldermen president or mayor pro tem., who shall hold his office for one year. In case of failure, inability, or refusal of the mayor to act, the president pro tem. shall perform the duties and receive the fees and compensation of the mayor. In the absence of the mayor and the president pro tem., any one of the aldermen present may be appointed to preside.

Sec. 44. A majority of the aldermen shall constitute a quorum for business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members. At meetings for the imposition of taxes two-thirds of a full board shall be required. Regular meetings of the council shall be at such times as the council may fix by resolution or otherwise; but the mayor, on his own motion or at the request of three or more aldermen, may call special meetings by written notice thereof served upon each member or left at his usual place of abode or usual place of business. Such notices should state the object and purpose for which such meeting is called.

Sec. 45. The city council shall adopt such rules and regulations for its government and order of business as its members may deem best. It shall be the judge of the qualifications and election of its members, including the mayor. It shall also be the judge of the election and qualifications of all city officers. It may punish members, or other persons, during its sittings, for disorderly conduct, by fine. It may, with an affirmative vote of two-thirds of the whole number of aldermen elected and qualified, the yeas and nays being called for and recorded, remove any officer of the city for any conduct or offense which in the opinion of the council, expressed by the two-thirds vote aforesaid, shall render him unfit to hold his office; but no officer shall be removed until he shall have had the opportunity of being heard himself or by counsel, or by both.

Sec. 46. The meetings of the council shall be public, except when by a majority vote of the members present it may be deemed expedient to deliberate with closed doors upon any special question.

Sec. 47. A record of the council proceedings shall be kept by the city secretary, and each vote taken by yeas and nays shall be entered therein, and no action of the council shall have any force unless a majority of the members present shall have voted in favor of it.

GENERAL POWERS OF THE CITY COUNCIL.

Sec. 48. The city council shall have the management and control of the finances and all property, real, personal, or mixed, belonging to the city.

Sec. 49. The city council shall have power to appropriate money and provide for the payment of debts and expenses of the city.

Sec. 50. To provide by ordinance special funds for special purposes provided for under the provisions of this charter, and to make the same disburseable only for said purposes, and to impose proper penalties for enforcing the same.

Sec. 51. To provide by ordinance for the payment of any existing and outstanding indebtedness and for the payment of any bonds that may from time to time be issued, and shall for such purposes have the power to levy, assess, and collect a special tax.

Sec. 52. To make regulations to prevent introduction of contagious diseases into the city, to make quarantine laws for that purpose, and to enforce them within the city and within ten miles thereof.

Sec. 53. To provide or cause to be provided the city with water; to make, regulate, and establish public wells, pumps, cisterns, hydrants, reservoirs, and stand pipes in the streets or elsewhere in said city or beyond the limits thereof, for the convenience of the inhabitants and the extinguishment of fire, and to prevent the unnecessary waste of water and to condemn all right of way necessary for any of said purposes.

Sec. 54. The city council shall have exclusive control and power over the streets, alleys, crossings, highways, and public grounds in the city, and to abate and remove all encroachments or obstructions thereon, to open, alter, abolish, widen, extend, establish, regulate, grade, pave, clean, or otherwise improve said streets, and to protect the same from all encroachments and injury of every kind whatsoever.

Sec. 55. To establish, erect, construct, and keep in repair bridges, culverts, conduits, sewers, and sidewalks, and to regulate the construction and use of same, and to abate or punish any obstruction or encroachment thereon. The cost of constructing sidewalks, together with the cost of collection, shall be entirely defrayed by the property owners in such manner as the city council may provide, and shall be a perpetual lien on the property in question until paid. The costs of sewers shall be paid as hereinafter provided.

Sec. 56. To prevent the encumbering of streets, alleys, sidewalks, and public ground with carriages, wagons, carts, hacks, buggies, or other vehicles, with boxes, timber, firewood, posts, awnings, signs, or anything else whatever, in any manner whatever; to compel all persons to keep all weeds, filth, rubbish, trash of every kind from their premises and from the sidewalks, streets, and gutters in front of the premises occupied by them and to pass all ordinances necessary to enforce such things.

Sec. 57. To permit, prevent, and regulate the laying of gas and water mains and pipes therein. To compel any person using the streets, alleys, or sidewalks for the purpose of laying gas or water mains and pipes, sewer pipes, or for building or other purposes, to repair, clean up, and restore said streets, sidewalks, and alleys so used.

Sec. 58. To prevent any street or sidewalk from being dug up or excavations to be made therein, unless the same be done with the permission of the city council and under the direction of the city engineer.

Sec. 59. To regulate, establish, and change the grade of all sidewalks, streets, and premises, and to require and compel the filling up and raising of the same.

Sec. 60. To divide and redivide the city into wards and alter the bounda-

ries thereof for the purpose of equalizing the population of the several wards.

Sec. 61. To provide for lighting the streets and public grounds and erecting lamp posts, electric towers, or other lighting apparatus.

Sec. 62. To provide for the erection of market houses, establish markets and market places, and provide for the government and regulation thereof. To provide all needful buildings for the use of the city. To provide for enclosing, improving, ornamenting, and regulating all public grounds belonging to the city. To provide hospitals and regulate and maintain the same, and to permit or prohibit private hospitals. To establish an active system of inspection over premises and the conduct of persons.

Sec. 63. To establish and regulate public grounds, and to regulate, restrain, and prohibit the running at large of horses, mules, cattle, sheep, swine, goats, geese, and other animals in the city, and to authorize the distraining, impounding, and sale of the same for costs of the proceedings and penalty incurred, and to order their destruction when they can not be sold, and to impose penalties on the owners or keepers thereof for violation of any ordinance, whether they reside in or out of the city, and at all such sales the purchaser of any animal shall be deemed to acquire a good and valid title thereto, if provisions of the ordinances have been complied with, whether the owner of such animal resides in or out of the city.

Sec. 64. To establish and maintain a city police, prescribe the duties and powers of policemen, and regulate their conduct.

Sec. 65. To regulate, restrain, locate, abate, or prohibit slaughter houses, glue factories, bone boilers, hide houses, or establishments for curing hides, soap factories, places for rendering lard, tallow, offal, and other substances that can be rendered, and all other establishments where any nauseous, dangerous, offensive, or unwholesome business may be carried on.

Sec. 66. To regulate the storage and transportation of all illuminating oils, high explosives, gunpowder, tar, pitch, and all other inflammable oils and combustibles of every kind.

Sec. 67. To regulate parapet walls, to prevent dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stovepipes, boilers, and other heating apparatus, and cause the same to be removed and made safe.

Sec. 68. To prevent the deposit of ashes in unsafe places, and cause the removal from one's premises of all trash, old papers, straw, goods boxes, barrels, and anything else dangerous on account of fire, and of all filth, slops, animal and vegetable matter, and everything else offensive and dangerous to health and comfort, and to cause all buildings and enclosures in a dangerous state to be put in a safe condition.

Sec. 69. To regulate or prevent the carrying on of manufactories and works dangerous in causing or promoting fires, and regulate the location of cotton presses, sheds, and other buildings dangerous on account of fires.

Sec. 70. To regulate the size, number, and manner of construction of doors and stairways of theatres, tenement houses, audience rooms, public halls, and all buildings used for the gathering of a large number of people, whether now built or hereafter to be built, so that there may be convenient, safe, and speedy exit in case of fires.

Sec. 71. To require the construction of suitable fire escapes on or in hotels, lodging houses, factories, and other buildings, whether now built or hereafter to be built.

Sec. 72. To establish and maintain a fire department, fix the number and compensation of all firemen, employees, and members of the department, prescribe their respective duties, regulate their appointment and dismissal, and fix penalties for the violation of all regulations pertaining thereto; to

procure steam fire engines and other apparatus for extinguishing fires, provide for the care, management, and maintenance of the same, and to do everything whatsoever necessary for the regulation and maintenance of such department.

Sec. 73. To regulate, prevent, and prohibit the use of fireworks and firearms.

Sec. 74. To compel the owners or occupants of houses or other buildings to have scuttles in their roofs and stairs or ladders leading to the same.

Sec. 75. To establish fire limits, and prohibit the erection, building, placing, removing, or repairing of wooden buildings within said limits; also to prohibit the removal of any wooden building from one place to another within said limits, and may require all buildings within said limits to be constructed with fire-proof material; also may prohibit the repairing of wooden buildings within said limits when the same shall have been damaged thirty-three and one-third per cent of their value, and may provide the mode of ascertaining such damage; also may declare all dilapidated wooden buildings which they deem dangerous on account of fire nuisances and require the same to be removed in such manner as the council may direct.

Sec. 76. To authorize one or more officers, agents, or employees of the city to enter into and upon all buildings and premises, to examine and discover whether the same are dangerous on account of fire or in any unclean state and cause all defects to be remedied and filth and trash to be removed; and generally the council shall have power to establish such regulations for the prevention and extinguishment of fires as it may deem expedient.

Sec. 77. The city council shall have the exclusive right to erect, own, maintain, and operate water works for the use of the city and its inhabitants and to regulate the same, to prescribe rates for water furnished to said inhabitants, and make such rules and regulations as the said council may deem expedient; also shall have the power to acquire by purchase or donation suitable grounds on which to erect such works and all necessary right of way, and to do everything whatsoever necessary to operate and maintain said works.

Sec. 78. To provide work houses for vagabonds and disorderly persons who are unable or refuse to pay fines or who have been sentenced to fine and imprisonment, or to compel them to work on the streets, alleys, and any public works, and to make all necessary regulations concerning the same.

Sec. 79. To define what shall be nuisances in the city, and within three thousand feet of the corporation lines, and to abate them by summary proceedings, and punish the authors thereof by penalties, fines, and imprisonment.

Sec. 80. To provide, keep, and regulate a city prison.

Sec. 81. To establish standard weights and measures, and to regulate weights and measures to be used in the city, and provide for and regulate the inspection, weight, and quality of everything to eat and drink offered for sale in said city. To provide for the inspection and weighing of hay and coal, and the measurement of firewood and other fuel to be sold in the city.

Sec. 82. To provide for taking the enumeration of the inhabitants of the city.

Sec. 83. To prescribe fines, forfeitures, and penalties for breach of any ordinance enforcing the powers granted in this charter, and to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties.

Sec. 84. The city council shall have full power and authority by ordinance to regulate, control, and prohibit the carrying of firearms and other

weapons within the city limits, and is hereby empowered to provide and inflict the same punishment therefor as is now or hereafter may be provided by the state law against persons unlawfully carrying weapons.

Sec. 85. To tax, regulate, restrain, or prohibit the running at large of dogs and authorize their destruction when at large contrary to ordinances, and to impose penalties on the owners, harborers, or keepers thereof for violation of such ordinances.

Sec. 86. To provide for the suppression and prevention of any riot, rout, noise, affray, disturbance, or disorderly assembly in any public or private place within the city.

Sec. 87. To prevent, prohibit, and suppress horse racing, immoderate riding or driving in the streets; to prohibit and punish abuses and cruelty to animals, birds and fowls of every kind; to compel persons to fasten their horses or animals attached to vehicles, or otherwise, while standing or remaining in the streets or other public places.

Sec. 88. To prohibit and restrain the rolling of hoops, flying of kites, firing of firecrackers and fireworks of any kind, the riding of bicycles, tricycles, or any other amusement having a tendency to annoy persons passing in the streets or on the sidewalks; to restrain and prohibit the ringing of bells, the blowing of horns and bugles, the crying of goods, and all other noises, practices, and performances tending to collect persons on the streets or sidewalks by auctioneers and others for the purpose of business or otherwise.

Sec. 89. To restrain, regulate, and punish vagrants, street beggars, and prostitutes.

Sec. 90. To do all acts and make all regulations which may be necessary and proper for the promotion of health or the suppression of disease. To compel the owner or occupant of any unwholesome house or place to cleanse, remove, or abate the same, as may be necessary for the health, comfort, and convenience of the inhabitants.

Sec. 91. To regulate the burying of the dead, the registration of births and deaths, direct the keeping and returning of bills of mortality, and impose penalties on physicians, undertakers, sextons, and others for any default in the premises.

Sec. 92. To prevent all boxing matches, sparring exhibitions, cock fighting and dog fighting, and punish all persons thus offending.

Sec. 93. To prevent all trespasses, breaches of the peace and good order, assaults, assaults and batteries, aggravated assaults and batteries, fighting, quarreling, using abusive and insulting language, misdemeanors and all disorderly conduct of every kind, and to punish all persons thus offending with the same penalties as may be inflicted therefor by the state law. To regulate or prevent drumming on the streets or sidewalk, railway platform or other public places.

Sec. 94. To control and regulate the use of steam whistles in the city limits.

Sec. 95. To regulate, license or prohibit butchers, prevent their slaughtering animals in the city limits and revoke their license for misconduct in trade, and regulate, license, and restrain the sale of fresh meats, fish, fruits and vegetables.

Sec. 96. To compel the owner or occupant of any grocery, soap, tallow, or chandler establishment, or blacksmith shop, tannery, stable, slaughter house, distillery, brewery, or other building, or sewer, privy, hide house, or other unwholesome or nauseous place or house, to cleanse, remove, fill up, repair or abate the same as may be necessary for the health, comfort, and convenience of the inhabitants.

Sec. 97. To require the owners of private drains, sinks, and privies to fill up, cleanse, drain, alter, relay, repair, fix, and improve the same as they may be ordered by resolution or ordinance, and impose penalties upon persons failing to do the same. If there be no person in the city upon whom such order can be served the city can have such work done, and the cost of the same shall be a lien on the property and taxed up against it and collected in such manner as the city council may determine.

Sec. 98. To prevent any person from bringing, depositing or having within the city limits the carcass of any dead animal or any other unwholesome substance or matter, or filth of any kind, and to require prompt removal of the same and impose all necessary penalties for the enforcement of such powers.

Sec. 99. To provide for sprinkling the streets, avenues, and public grounds.

Sec. 100. To license, tax, and regulate merchants, commission merchants, hotel and inn keepers, drinking houses or saloons, bar rooms, beer saloons, and all places or establishments where intoxicating or fermented liquors are sold; brokers, money brokers, real estate agents, insurance agents, insurance brokers, auctioneers, and all other trades, professions, occupations and calling of every kind, the taxing of which is not prohibited by the constitution of the state, which tax shall not be construed to be a tax on property: Provided, No occupation tax shall be levied against any laborer as such, or any clerk, accountant, bookkeeper or other person working at his trade as a journeyman.

Sec. 101. To license, tax, and regulate, or prevent or suppress paupers, peddlers, pawnbrokers, and keepers of theatrical or other exhibitions, shows, and amusements. To license, tax, and regulate or prohibit theatres, circuses, the exhibition of common showmen and of shows of any kind, and the exhibition of natural or artificial curiosities, menageries and musical exhibitions, and performances, and to regulate and license or prohibit street parades, pool tables, striking machines, lung testers, doll racks, cane racks, and exhibitions, devices, and things for which a fee is charged.

Sec. 102. To license, tax, and regulate hackmen, draymen, omnibus drivers, baggage wagon drivers and drivers of vehicles of every kind, and all others pursuing like occupations with or without vehicles, and prescribe their compensation, and make it a misdemeanor for any person to attempt to defraud them of any legal charge for services rendered, and to regulate stands for vehicles, and regulate, license, and restrain runners for railroads, vehicles of any kind, hotels and public houses of any kind, or other business of any kind.

Sec. 103. To license, tax, and regulate billiard tables, pin alleys and ball alleys, to suppress, restrain, regulate and control disorderly houses, tippling shops and groceries, gambling and gaming houses, and games of every kind, lotteries, and all fraudulent devices and practices, bawdy houses of prostitution, and to punish all keepers of said houses and exhibitors of or players at said games and other things, with the same penalties, fine, and imprisonment as may be inflicted therefor by the statutes of the state of Texas.

Sec. 104. To restrain, regulate, and prohibit the selling or giving away indirectly, to evade a tax or penalty, of intoxicating or malt liquors, or anything else, by any person within the city, except by persons duly licensed; to forbid and punish the selling, bartering or giving away of any intoxicating or malt liquors to any minor, apprentice or habitual drunkard.

Sec. 105. To regulate the inspection of beef, pork, flour, meal, fish, salt, and other provisions, whisky and other liquors, and to appoint weighers,

gaugers, and inspectors, and prescribe their duties and powers, and regulate their fees.

Sec. 106. To open, close, and regulate saloons, and all places where intoxicating of fermenting liquors are sold on Sunday, and to prescribe what hours on Sunday such sales can be made, and what hours such places must be closed and sales prohibited; also all places of amusement and business.

Sec. 107. To prevent the sale, bartering or giving away of any intoxicating liquors in any house or place where any theatrical or dramatic representations are given, and prevent the same from being brought in or to such places under any pretext whatever. All rooms, buildings or apartments of any kind inside of the room where such representations are given, or being a part of it, or adjoining or connected therewith by any door or doors, dumb waiter or opening of any kind, shall be held to be within the places inhibited by this section.

Sec. 108. To regulate and prevent the location of saloons in resident portions of the city.

Sec. 109. To make all needful and proper regulations concerning bakers, butchers, hotel keepers, theaters, and other public houses; also all draymen, horse drivers, water carriers, omnibus drivers, hack drivers and drivers of baggage wagons and other vehicles; and especially to preserve order and to prevent noise and confusion in and about the several depots on the arrival or departure of trains; and to make and regulate stands for vehicles at said depots and other public places.

Sec. 110. To regulate or prohibit the driving of cattle and other stock through the streets of the city.

Sec. 111. To inspect the construction of all buildings in said city. To regulate and locate the erection of all poles in the city, and cause the same to be changed, whether telegraph, telephone, electric light or otherwise.

Sec. 112. To regulate the speed of engines and locomotives within the city.

Sec. 113. To direct and control the laying and construction of railroad tracks, turnouts and switches, and to require that they be constructed and laid so as to interfere as little as possible with the ordinary travel and use of streets, and to require that they be kept in repair. To regulate the use of locomotive engines; to direct and control the location of cable and all other street railroad tracks, and all steam railroad tracks, and to require railway companies of all kinds to construct, at their own expense, such bridges, turnouts, culverts, crossings and other things as the city council may deem necessary. To regulate the speed of all railroad trains within the city limits, and their stops at street crossings, and require said companies to keep the streets through which they run in repair, and to light the same whenever deemed necessary, and to prescribe the kind of lights to be used, and to levy special taxes or assessments upon them for street improvement the same as against property owners.

Sec. 114. To prevent and regulate the running of horse railway cars, or cars propelled by dummy engines or other power, the laying down tracks for the same, the transportation of passengers thereon, the form of the rail to be used, and everything else concerning street railways, and to levy special taxes or assessments against such roads for street improvement, the same as against property owners.

Sec. 115. The city shall have the power to acquire and own within or without the city limits, either by purchase, donation, bequest, or otherwise, all property it may need for any municipal purpose whatever, and all neces-

sary right of ways thereto, and shall also have the power to sell and dispose of the same.

Sec. 116. The city council shall have the sole authority to grant, upon such terms as it may see fit, the right to any person, corporation, or company to make and construct street railways or other railroads in any street or highway in said city, receive compensation therefor, and to regulate and control the use thereof: *Provided*, The owners of a majority of front feet, exclusive of street intersections, on each street composing the line of road, are willing.

Sec. 117. No railroad company—street, steam, or other kind,—no telephone, telegraph, electric light company, or other kind,—no person or corporation, shall ever occupy or use the streets or highways of the city of Dallas without first obtaining the consent of the city council.

Sec. 118. The city council shall have power to levy and collect the ordinary municipal taxes upon the road bed, rights, franchises, and all other property of street railroads of every kind, whether their motive power be steam, horse, mule, electricity or otherwise; also to require them to pay their pro rata share of paving and improving the space between the rails of such road on any street improved occupied by them, including street intersections; and shall have power to levy and collect special assessments against such roads and their owners for such purpose, and such assessments shall be a lien on such roads and all their rights and franchises, and shall be collected as such taxes are collected from other property owners on the streets so improved.

Sec. 119. The city council shall have power to provide by ordinance for funding the whole or any part of the existing debts of the city or any future debt, by canceling the evidences thereof, and assuring to the holders or the creditors notes or bonds, with or without coupons, bearing interest not to exceed six per cent per annum.

Sec. 120. The council shall have power to appropriate so much of the general revenues of the city for the purpose of retiring and discharging the accrued indebtedness of the city, and for the purpose of improving the streets, constructing sewers, erecting and maintaining public buildings of every kind, water works, etc., as the council may from time to time deem expedient; and in furtherance of any or all of these objects, the city shall have the right and power to borrow money upon the credit of the city, and issue coupon bonds of the city therefor in such sum or sums as may be deemed expedient, to bear interest not to exceed six per cent per annum, payable semi-annually at such place as may be designated by the city ordinance: *Provided*, That the aggregate amount of said bonds shall at no time exceed one million five hundred thousand dollars.

Sec. 121. All bonds shall specify for what purpose they are issued, and shall not be invalid if sold for less than their par value, and when any bonds are issued by the city a fund shall be provided to pay the interest and create a sinking fund to redeem said bonds, which fund shall not be diverted or drawn upon for any other purpose, and the city treasurer shall honor no drafts on said funds except to pay the interest upon or redeem the bonds for which it was provided.

Sec. 122. Said bonds shall be signed by the mayor, countersigned by the city secretary, and shall be payable at such places and such times as may be fixed by ordinance of the city council, not less than ten nor more than fifty years.

Sec. 123. It shall be the duty of the mayor when such bonds are issued to forward the same to the comptroller of the state, whose duty it shall be to register them in a book kept for that purpose, and to endorse on each bond



registered his certificate of registration, and at the mayor's request certify the amount of bonds so registered in his office up to date.

Sec. 124. It shall be the duty of the mayor at the time of forwarding said bonds for registration to furnish the comptroller with a statement of all taxable property, real and personal, in the city; also with a statement of the amount of tax levied for the payment of interest and to create a sinking fund. It is hereby made the duty of the comptroller to see that a tax is levied and collected by the city sufficient to pay the interest semi-annually on all bonds issued and to create a sinking fund sufficient to pay said bonds at maturity, and see that said sinking fund is annually invested in good interest-bearing securities or applied to the redemption of the bonds for which it is set aside.

#### REVENUE.

Sec. 125. The city council shall have power and is hereby authorized to annually levy and collect taxes not exceeding one and one-half per centum of the assessed value of all real and personal property in the city not exempt from taxation by the constitution and laws of the state: Provided, That the city council shall have the power to levy and collect an additional one per cent on the assessed value of all taxable property, real and personal, in said city not exempt as aforesaid, if two-thirds of those authorized to vote on the assumption of debt by section 3, article 6, of the state constitution, shall first have voted in favor of such levy at an election duly ordered for such purpose, the whole number of votes to be determined by the number voting at this election. The city council shall have the right to annually levy and collect a poll tax not exceeding one dollar for every year upon all male inhabitants over the age of twenty-one and under sixty, residents of the city at the time of the assessment.

Sec. 126. That in accordance with section ten, article eleven, of the state constitution, the council may levy a special tax for one or more years for the purchase of ground, erection of buildings, and the support and maintenance of a seminary, academy, or high school in connection with the public schools of the city. May also levy a special tax in accordance with state law for the purpose of erecting additional public school houses or repairing those already built or for the purchase of grounds therefor. The funds so raised shall be appropriated exclusively for the purpose named and shall not be diverted therefrom. The aggregate tax levied for either or all of said purposes in any one year shall never exceed one-fourth of one per cent ad valorem on the taxable value of all property in the city. No such tax shall be levied until the question shall have been submitted to a vote of the tax payers at a special or general election of those entitled to vote thereon by the constitution of the state. Such election shall be ordered by resolution of council as in other elections.

Sec. 127. The city council shall have power to levy and annually collect taxes known as license or occupation taxes upon professions, callings, and other business carried on, and upon carriages, hacks, coaches, buggies, drays, carts, wagons, and all other vehicles used in the city for public use. That each and every person or firm engaged in the following professions, callings, and business, among others, shall be liable to pay such tax, but this enumeration shall not be considered to deprive the city council of the right and power to levy and collect other license or occupation taxes from other persons under the general authority herein granted: Every person or firm engaged in selling goods, wares, and merchandise, liquors in quantities less

than a quart, or in keeping any grog shop, tippling house, bar room, drinking saloon, or any place where spirituous, vinous, or malt liquors, wine, or beer are sold in quantities less than a quart; every person or firm keeping a billiard table, ball alley, nine or ten pin alley, or any similar game, or keeping a tavern, hotel, or boarding house, restaurant, lunch stand, or place of any kind where refreshments are sold; every person or firm keeping a livery stable, sale stable, feed stable, or wagon yard; every person or firm selling goods, wares, or merchandise at public auction, or pursuing the occupation of real estate agent, merchandise or cotton broker, commission merchant, or broker of any kind, or hawker or peddler of any goods whatever; every person or firm keeping a storage or warehouse, or intelligence office, or brewery, or beer shop, distillery, or fruit stand, or engaged in compressing cotton; every insurance agent, every insurance company, shall pay said tax, and every agent representing any such company which has failed to pay said tax shall be subject to a fine; every telegraph, telephone, electric light, gas, or other such company; every person or firm keeping a lumber, wood, or coal yard, or any place for the sale of such articles or building material of any kind, and all other persons or firms engaged in any profession, occupation, calling, and business whatsoever, the taxing of which is not prohibited by the constitution of the state; any person or firm pursuing occupation, business avocations, or callings subject to license tax, shall pay on each, and no license tax shall extend to more than one establishment or include more than one avocation, occupation, business, or calling.

Sec. 128. To authorize the proper officer of the city to grant and issue license, and to direct the manner of issuing and registering the same, and fix the fees and charges thereof. No license shall issue for a longer period than one year, and shall not be assignable except by permission of the city council.

Sec. 129. No property of any kind, church, school, public or otherwise, in the city of Dallas, shall be exempt from any of the special taxes and assessments authorized by this charter for local improvements.

Sec. 130. The fiscal year of the city of Dallas shall begin and end at 12 o'clock noon on the third Monday in April of each year. The council at the second regular meeting in June of each year, or as soon thereafter as practicable, shall examine the assessment rolls and levy the annual tax for such year, but special taxes allowed by this charter may be levied, assessed, and collected at such time as the council in each case may provide.

Sec. 131. All persons or corporations owning or holding personal property or real estate in the city of Dallas on the first day of January of each year shall be liable for all municipal taxes levied thereon for the fiscal year beginning the next following April.

Sec. 132. The personal property of all persons owing any taxes to the city of Dallas is hereby made liable for all of said taxes, whether the same be due upon personal or real property or upon both.

Sec. 133. The city council shall have full power to provide by ordinance for the prompt collection of taxes assessed, levied, and imposed under this charter, and are hereby authorized and to that end may and shall have full power and authority to sell or cause to be sold all kinds of property, real and personal, and may and shall make all such rules and regulations and ordain and pass all ordinances deemed necessary to the levying, laying, imposing, assessing, and collecting of any taxes provided for in this charter.

Sec. 134. The city council shall have power to assess the property and shares of corporations, companies, banks, and such other institutions as the same are now or may be assessed by the state law in such cases made and

provided, and shall have full power to enforce the collection of such taxes in such manner as by said council may be deemed necessary.

Sec. 135. The city council shall have power by ordinance to regulate the manner and mode of making out tax lists, inventories, and appraisements of property therein, and to prescribe the oath that shall be administered to each person on rendition of his property, and prescribe how, when, and where property shall be rendered, and to prescribe the number and form of assessment rolls and fix the duties and define the power of the city assessor, and adopt such measures as the council may deem advisable to secure the assessment of all property within the city limits, and collect the tax thereupon, and may provide a fine and imprisonment or either for all persons neglecting, failing, or refusing to render their property for taxation.

Sec. 136. Every person, partnership, corporation, and company owning or controlling property within the limits of the city on or before the first day of April, after published notice, shall render to the city assessor a full and complete inventory of the taxable property possessed or controlled by him, her, or them within said limits on the first day of January last, verified as required by ordinance, and any person failing or refusing to comply with the provisions of this section shall be liable to such fine as may be imposed by ordinance, and the city council shall by ordinance define the duties of tax payers, and make all necessary rules and regulations to secure the rendition of property and the collection of taxes due thereon.

Sec. 137. The city assessor shall, at least ten days before the first day of January of each year, give public notice by hand bills circulated through the city and by advertisement in some paper that all persons owning or controlling, as agent or otherwise, any personal property or real estate subject to municipal taxation, are required to render the same on or before the first day of April of each year. All merchants doing business in the city are required within the same time to furnish the assessor a true statement, verified by affidavit, of all goods, wares, and merchandise owned or kept on hand by such merchant on the first day of January. Any merchant failing to comply with this requirement shall be liable to such fine as may be imposed by ordinance.

Sec. 138. If the assessor shall discover any real or personal property which was subject to taxation for any previous year, and which from any cause has escaped taxation for that year, he shall assess the same in a supplement to his next assessment roll at the same rate under which such property should have been assessed for such year, stating the year, and the taxes thereon shall be collected in the same manner as other assessments.

Sec. 139. The assessor shall assess all property which for any cause has not been rendered, placing such valuation thereon as he may deem just. If the owners of such property are unknown such assessment shall be in the name of "unknown."

Sec. 140. Where the assessor and the party rendering cannot agree as to the value of property it shall be left to a board of appeals to decide the value, and such decisions shall be final; said board to be composed of three disinterested freeholders, appointed by the mayor in January or as vacancies occur, and who shall hold their office for two years, unless sooner removed for cause by the mayor. A majority of the members shall constitute a quorum for the transaction of business. Said board shall meet to hear appeals from parties aggrieved, on the first Monday in April, and shall hold sessions until all appeals have been heard. The assessor shall give at least five days notice of such meeting by newspaper publication. The board shall have the right to diminish or increase the valuation of any property so as to correspond with the valuation of other similar property, and shall order any error in

assessment to be changed and corrected. The members of the board shall be sworn to discharge their duties faithfully and impartially. They shall receive for their services such compensation as the city council may direct. Any one aggrieved by error in assessment may complain to the board in writing. No increase of valuation in property shall be made without notifying the owners thereof in such manner as the council may provide.

Sec. 141. A lien is hereby created on all property, personal and real, in favor of the city of Dallas, for all taxes, ad valorem, occupation, or otherwise. Said lien shall exist from January in each year until the taxes are paid. Said lien shall be prior to all other claims, and no gifts, sale, assignment, or transfer of any kind or judicial writ of any kind can ever defeat such lien, but the city collector can pursue such property and wherever found may seize and sell enough thereof to satisfy such taxes.

Sec. 142. If any one against whom a personal tax is assessed, and which is due and unpaid, whether the same be delinquent or not, shall have removed out of the city, or shall be about to remove out of the city, or shall have removed or about to remove his personal property out of the city, it shall be the duty of the collector to proceed at once and collect such taxes by seizure and sale of any personal property of such person to be found in the city of Dallas or anywhere in the state of Texas.

Sec. 143. All taxes shall be payable at the city collector's office, and the city council shall have full power to sell or cause to be sold all personal or real property for taxes due and shall make all rules and regulations necessary for such purpose.

Sec. 144. No demand for taxes shall be necessary, but it is hereby made the duty of every person or corporation subject to taxation to attend at the office of collector some time between the second Monday in June and October the first in each year and pay his or her taxes. If any one fails to pay them before the first day of October the same shall be delinquent and bear interest at the rate of ten per cent per annum thereafter: Provided, That the city council may give an extension of time on said taxes if the same be deemed advisable.

Sec. 145. The collector shall by virtue of his tax rolls have power and authority to seize and levy upon personal property and real estate, and sell the same to satisfy delinquent taxes. When he seizes personal property for such purposes he shall keep the same at the expense of the owner until sale is made, and shall give notice of the time and place of sale of same by posting a written notice at the city hall door and one at the court house in the city of Dallas at least ten days before day of sale. He shall sell the same to the highest bidder for cash for all taxes, interest, cost, and expenses in caring for said property, and shall make an entry in the book of sales of the amount realized.

Sec. 146. Before sales of real estate are made, notice of the time and place of sale, together with as near as may be a description of the property, shall be given by posting two notices, one at the court house and the other at the city hall in the city of Dallas, also by publication in some newspaper of the city for at least three weeks, which shall contain a statement of the amount due on each particular piece of ground.

Sec. 147. And finally the city council shall have full power to do or cause to be done everything whatsoever necessary to enforce a prompt assessment and collection of all taxes and assessments provided for in this charter, and to make all regulations necessary for the sale of property for said taxes and assessments.

Sec. 148. The collector shall, when any real estate has been sold for

taxes, make and execute a deed to the purchaser for the property sold, which deed shall be prima facie evidence of the following facts:

First. That the lot or lots conveyed was or were subject to taxation and assessment at the time of such sale, and was taxed and assessed according to law.

Second. That the taxes were not paid at any time before sale and a lien therefor existed.

And such deed shall be conclusive evidence of the following facts:

First. That the real estate therein conveyed was advertised according to law.

Second. That the property was sold for taxes as stated in the deed.

Sec. 149. A sale of personal property for delinquent taxes shall convey with it an absolute title, and the owner shall have no right to redeem the same.

Sec. 150. The city shall have the right to become a purchaser of property at tax sales, and the mayor shall attend such sale for such purpose.

Sec. 151. Whenever any real property is bid off to the city or to any individual for delinquent taxes, the owner or attorney or his agent may redeem the same at any time within two years from day of sale by paying the following amounts: All taxes paid or due, ten per cent per annum interest thereon from the time they became delinquent, and two and one-half dollars (\$2.50) as cost on each piece of property sold, and as a further penalty a sum equal to twenty-five per cent of the amount of the delinquent tax, if redeemed in three months; fifty per cent penalty if redeemed in six months; seventy-five per cent if redeemed in one year; and one hundred per cent if redeemed thereafter within two years, the said penalties to go to the purchasers at tax sales, whether the purchaser be the city or an individual.

Sec. 152. If any real property sold for taxes under the provisions of this act shall not be redeemed within two years from the day of sale, the holder of the tax deed shall have the right to bring a suit in the district court of the county of Dallas to have the absolute title to such real estate without any equity of redemption vested in him.

Sec. 153. The provisions herein for collecting taxes shall not be construed to prevent the city from filing a suit in any court of competent jurisdiction for the collection of any taxes due on real estate, as well as personal property, and for the enforcement of levies for such taxes.

#### STREET IMPROVEMENTS.

Sec. 154. The city council shall have full power and authority to grade, fill, raise, repair, macadamize, repmacadamize, pave, repave, or otherwise improve any avenue, street, or alley, or any portion thereof in the city, to such extent and out of such material and under such regulations as said council may provide, whenever a majority of the aldermen present vote in favor of such improvement. All grading of streets and sidewalks shall be at the cost of the city. All repairing of streets shall be at the cost of the city unless herein otherwise provided. The word "repairing" as here used shall apply only to small or ordinary defects in streets that have [been] put to grade and paved or macadamized. All other of such improvements shall be entirely at the cost of the fronting or abutting property owners on each street so improved, who shall pay pro rata such entire costs according to the number of front or abutting feet respectively owned by them on such street: Provided, That when any person, corporation, or company owns or operates any street railroad or railroad of any kind on such street, avenue, or alley, such person,

corporation, or company shall pay for paving or otherwise improving that part of the street between the rails of such road, and the owners of fronting property shall be relieved of their pro rata of such sum so paid by such roads. The city shall, out of the general fund, pay for all street intersections so improved, except that portion occupied or used by said railroads, which must be paved as above provided, by the owners or operators thereof. Property owners shall pay the entire cost of all curbing. The pro rata share of the costs of such improvements due from property owners and said railroads as above provided, together with the expense of collecting the same, shall be a special tax and lien against the lot or lots or blocks fronting or abutting upon the street improved and against the road beds, ties, rails, fixtures, rights, and franchises of such street or other railroads that may be operated thereon. The city council shall, by resolution duly passed, designate the street or streets, avenues, or alleys, or portions thereof to be improved, the nature of the improvements to be made, and material to be used. Whenever the council shall so determine upon such improvement they shall advertise for bids, giving the plans, specifications, and the extent of the improvements. The work shall be let to the lowest responsible bidder in the discretion of the council, and with such bonds as the council may require. Said council shall levy a special tax on the property fronting or abutting on the street so improved for the pro rata amounts due from property owners, and when street or other railroads are operated on said street the council shall levy a special tax upon the roadbed, ties, rails, fixtures, rights, and franchises of such road for the pro rata share due from them for improving the space between the rails of such roads. Said tax shall be levied after contract is let, shall become due and delinquent as the ordinance levying the same may specify, shall be a lien from the time of levy, and shall be used for the payment of said improvement. If said taxes be not paid as provided for by ordinance, their collection shall be enforced as the collection of other taxes, by advertisement and sale of the property, rights, and franchises levied upon: Provided, It shall not be necessary to sell at the same time as for delinquent ad valorem taxes. At such sales the collector shall execute to the purchaser a deed similar to the one executed when property is sold for ad valorem taxes. All contracts for street improvements now outstanding shall be paid for in accordance with this charter, and the city council in making the levy of assessments to pay for said improvements shall make them under the provisions of this section.

Sec. 155. In all cases of special assessment for local improvements of any kind against any property, persons, or corporations whatsoever, and said assessment have failed to be valid, in whole or in part, because for want of form, insufficiency, or for non-compliance with the charter provisions governing such assessment, the city council shall be and are hereby authorized to reassess said special taxes or assessments, and to enforce their collection in accordance with the charter provisions existing at the time the reassessment is made.

#### SIDEWALKS.

Sec. 156. The city council shall fix and determine the nature and extent of sidewalk improvements and decide as to the kind of material to be used. The cost of constructing all sidewalks, including curbing and guttering and the keeping of the same in repair, together with the cost of collection, but not including the grading, shall be defrayed entirely by the property owners of the lots or blocks fronting on the sidewalks to be constructed, according to

the number of feet frontage owned by each. Whenever the council by resolution or otherwise orders a construction of any sidewalk and notice thereof has been served upon the property owner if in the city, or if out of the city upon his agent, it shall be the duty of such property owner or his agent to at once construct such sidewalk as ordered by the council and under the supervision of the city engineer. If such property owner or his agent shall fail to construct such sidewalk within the time required by the council, then the city may have it constructed, and the expense of the same, together with the cost of collection, shall be a charge against the owner and a special tax and lien upon the property until paid, and its collection may be enforced by sale of the property as in other cases for special taxes or assessments on real estate, or the same may be collected by suit against the property owner and the lien upon the property foreclosed in any court having jurisdiction. In addition hereto the city council shall [have] power by ordinance to punish persons who fail or refuse to build sidewalks after having been duly notified so to do. And finally said council is hereby fully empowered to do everything whatsoever necessary to enforce the provisions of this section.

#### SEWERS.

Sec. 157. The city council shall have power by ordinance to provide for and cause a general sewer and drainage system, to be divided into public, district, and private sewers and drains, and to be constructed, maintained, and regulated in such manner and out of such material as the council may prescribe. Public sewers shall be established as the council may direct, and there may be extension of branches of sewers already constructed or entirely new throughout as may be deemed expedient. The city council may if necessary levy a tax on all taxable property in the entire city to pay for the construction and repairs of such public sewers, which shall be called a "special sewer tax" and used solely for such purpose. No public sewer shall be run diagonally through private property when it is practicable without injury to said sewer to construct it parallel with one of the exterior lines of such property. No public sewer shall be constructed through private property when it is practicable to construct it oblong or through a street or public highway. District sewers shall be established within the limits of districts defined by ordinance and shall connect with other sewers or drains in such manner as the city council may prescribe. District sewers shall be at the cost of the property owners specially benefited. Whenever the city council shall determine by ordinance that such work shall be done, they shall advertise for bids, giving the plans and specifications and extent of the improvement. The work shall be let to the lowest responsible bidder in the discretion of the council and with such bond as the council may require. When any district sewer or drain shall have been completed, the city engineer shall report the entire cost of said work to the council, and shall furnish a list of all property in said sewer district, together with the names of the owners thereof. The city council shall thereupon proceed to assess said amount against said property, and levy a special tax therefor against the lots of ground in the district, exclusive of improvements, in proportion to the area of the whole district, exclusive of public highways. The city collector shall enter such taxes in a book to be kept by him for that purpose, and shall proceed to collect the same as other taxes by advertisement and sale of the property taxed: Provided, It shall not be necessary to sell at the same time as for delinquent ad valorem taxes. Said tax shall be a lien on such property from the time of the levy. Private sewers or drains connecting with public or district sewers may be constructed

under such restrictions and regulations as may be provided by ordinance, but the city shall be at no expense on account of the same, and may by ordinance force the construction and keeping clean and in proper repairs of the same by the persons owning or using them. If the owner of such property shall not in five days after notice proceed to construct such private sewer or drain under the superintendence of the city engineer, in strict compliance with the ordinance regulating such things, then the city may have such work done and taxed up against the property, as provided for district sewers. Said cost shall be a lien upon the property from the time of its levy, and its collection shall be enforced as above provided for district sewers. In addition to the above, the city council shall have full powers by ordinance to punish all persons failing or refusing to comply with any regulation or requirement pertaining to private sewers or drains.

#### CONDEMNATION OF PROPERTY.

Sec. 158. The city council shall have the power to appropriate private property for public purposes. Whenever said council shall deem it necessary to take any private property in order to open, extend, change, or widen any public street, avenue, or alley, or for the construction of water mains or sewers within or without the city limits, such property may be taken for such purpose by making just compensation to the owner thereof. If the amount of such compensation cannot be agreed upon, the land desired may be condemned by a board of four disinterested appraisers, each of whom shall be a freeholder and legal voter in the city, two of whom shall be chosen by the mayor, and two by the property owners interested, from a panel of eight qualified persons duly summoned by the mayor for such purpose. The mayor shall cause the property owners to be notified of the time and place of the meeting to select said board and request them to be present. If any property owner be a non-resident of the state, service upon his agent shall be deemed sufficient. When the property to be condemned is the property of the estate of a deceased person or of a minor, and such estate has a legal representative or such minor a guardian, then said notice shall be served upon such representative or guardian. When the persons summoned shall meet, the mayor in behalf of the city shall select two of the number and the property owners two more, and the four thus chosen shall compose said board. But if the property owners fail to appear, then the mayor shall select the entire four. Said board before entering upon its duties shall be sworn by the mayor or any person authorized to administer oaths, "to determine the value of the land in question without prejudice or partiality." A majority of said board agreeing shall be competent to make an award. In case of a tie the board shall choose the fifth man, who shall possess like qualifications and take the same oath. Said board of appraisers shall appoint a day as early as practicable to go upon the ground sought to be taken, view the same, and assess the damages, which shall be the actual value of the property taken. The city engineer shall immediately deliver to said appraisers a map or plat of the ground to be taken, and shall attend them in person if desired and point out such ground. The damages aforesaid shall be taxed up against the lot or lots or parcels of ground in the immediate vicinity benefited or enhanced in value by the proposed improvements, and said board of appraisers shall at the same time they assess said damages also ascertain and pro rate the amount of benefits accruing to the lots or parcels of ground aforesaid, all of which shall appear in their report. Said report shall be signed by the concurring members of said board, shall be sealed, endorsed "award of appraisers," and



addressed to the city council. Said report shall not be void for want of form or misdescription of property, but the council may cause the same to be corrected. The council shall consider said report as early as practicable, and if they approve of the same they shall order the city attorney to draw an ordinance levying the benefits assessed by the board against the various lots or parcels of land with a proper description of the same. Upon the passage of such ordinance the amounts therein named shall become special taxes against the property, shall be a lien thereon, and their collection enforced by advertisement and sale of the property as in the collection of ad valorem taxes: Provided, It shall not be necessary to sell at the same time as for delinquent ad valorem taxes. The city council may in its discretion, when the same is deemed just, tax only a part of such cost against the respective lots or parcels of ground so benefited and pay the remainder out of the city treasury, or it may not tax any of said cost against said lots or parcels of ground and pay the entire amount out of the city treasury. All ordinances ordering such improvements must state how the cost of the same must be paid for, and a copy of such ordinance shall be furnished the board of appraisers prior to their assessment of the damages. Alleys through blocks shall be opened entirely at the cost of the owners of the ground in each respective block. The report of the board of appraisers aforesaid, after the same has been adopted by the city council, shall be final and conclusive and no appeal or writ of certiorari shall lie therefrom.

Sec. 159. The city council shall have power to require the filling up, draining, and regulating of any lot or lots, grounds or yards, or other places in the city which shall be unwholesome or have stagnant water or filth of any kind therein, or from any other cause be in such condition as liable to produce disease; also to cause all premises to be inspected and cleansed; also to require the making, filling up, altering, and repairing of all sinks and privies and direct the mode and material for constructing them in the future. And said council shall have full power by ordinance to provide punishment for all persons failing or refusing to do any of such things or permitting the premises occupied by them to be in a filthy and unhealthy state. In cases of filling up and draining any ground, if the owner thereof cannot be found, or for any cause fails or refuses to do said filling or draining, the city may have it done and tax expenses thereof up against the ground as a special tax and lien thereon and collect the same as provided for the collection of any other special taxes or assessments in this act.

Sec. 160. That the city council shall have full power and authority to pass all ordinances and adopt all resolutions, rules, and police regulations that may be necessary and proper to carry into effect and fully enforce all powers vested by this act, and in addition the city council shall also have power upon all questions not provided for in this act, to pass all ordinances and adopt all resolutions, rules, and police regulations not contrary to the constitution of the state of Texas that may be necessary for the trade, commerce, health, order, and good government of said city, and to enforce all such ordinances, rules, and regulations, and punish their violations by fines and imprisonment, both or either, or by work on the streets or other public works as may be required by the judgment of the court, and for any fine imposed by the city court execution may issue to collect such fine and costs in same manner as from state courts. They shall be issued to the chief of police, who in levying on property and selling the same shall have full power as the sheriff in executions issued from state courts in like cases.

PUBLIC SCHOOLS.

Sec. 161. That the city public schools shall be under the management and control of a board or school directors composed of one member from each ward, who shall be elected by the people as vacancies therefor occur and shall hold their office for the term of two years. They shall serve without compensation. Their duties shall be to look after the interests of the public schools of the city, to elect a superintendent, teachers, and janitors, to keep school buildings and grounds in repair, and keep property insured. They shall purchase all supplies, make or have made all repairs, fences, and walks. They shall audit all bills and accounts and approve the same, except when they shall exceed one hundred dollars, when they shall be referred to the city council for action or approval. They shall be subject to the ordinances of the city. The city council shall provide means to pay for all repairs, supplies, and furniture necessary for said schools, and for keeping school houses and grounds in repair. The city council may annually make an appropriation sufficient to supplement the state school fund so as to run the schools at least nine months each year, said appropriation to be made out of the general fund, or a tax levied for that especial purpose. All bills or accounts approved by said board of directors or city council shall be paid by the city treasurer on warrants issued by the city secretary approved by the mayor. It shall be the duty of the board to annually take the scholastic census of the city under such regulations as may be prescribed by ordinance and in conformity with said laws. In case of vacancies in said offices for any cause before the annual election the council is hereby authorized to fill such vacancies by appointment for the unexpired term.

MISCELLANEOUS.

Sec. 162. All city offices shall be kept in the city hall and shall be open such hours as may be prescribed by ordinance.

Sec. 163. All bonds, contracts, or other instruments requiring the assent of the city shall be signed by the mayor or acting mayor, and all legal process against the city shall be served upon the mayor or acting mayor.

Sec. 164. In addition to other modes of collection anywhere in this act provided, all tax due the city whether general or special, assessments for improvements or otherwise, may be collected by an action of debt and liens on real estate foreclosed in any court having jurisdiction. The assessment roll of such taxes shall be taken as prima facie evidence of the statements made therein, and the city shall have equal right to become the purchaser at all sales of property for taxes due it under judgment or otherwise. It shall be the duty of the mayor to attend such sales to make such purchase if they be necessary.

Sec. 165. No action against the city shall be sustained in any case in which it might be liable for damages for injuries caused from streets, highways, ways, crossings, culverts, bridges, sidewalks, sewers, awnings, or other things being out of repair from gross negligence of said city, unless the same have remained so for ten days after special notice in writing given to the mayor or city engineer.

Sec. 166. No suit for damages of any kind shall ever be sustained against said city unless such suit is instituted within three months next after the accrual of such cause of action.

Sec. 167. Before the city of Dallas shall be liable for damages of any kind,

the person injured or some one in his behalf shall give the mayor or city council notice in writing of such injury within thirty days after the same has been received, stating in such notice when, where, and how the injury occurred and the extent thereof.

Sec. 168. It shall not be necessary in any action, suit, or proceeding in which the city of Dallas is a party, for any bond, undertaking, or security to be executed in behalf of said city, but all such actions, suits, appeals, or proceedings shall be conducted in the same manner as if such bond, undertaking, or security had been given, and said city shall be just as liable as if they had been duly given and executed.

Sec. 169. The property real and personal belonging to said city shall not be liable to be sold or appropriated under any writ of execution or cost bill, nor shall the funds belonging to said city in the hands of any person be liable to garnishment, nor shall the city be liable to garnishment on account of any debt it may owe or funds it may have on hand due any person, nor shall the city or any of its officers or agents be required to answer to any writ of garnishment on any account whatsoever.

Sec. 170. Whenever in the opinion of the city council any buildings, fence, shed, awning, or structure of any kind or part thereof is liable to fall down or endanger persons or property, the council may order the owner or agent of the same or occupant of the premises to take down and remove the same within such time as they may direct, and may punish by fine and imprisonment or either all persons failing so to do. Said council shall have the additional power to remove the same at the expense of the city on account of the owner of the property, and assess the expenses thereof, including condemnation proceedings, as a special tax against the land, and the same may be collected as other special taxes provided for in this charter or by suit in any court of competent jurisdiction.

Sec. 171. The city council shall have full power to condemn all dangerous buildings or obstructions of any kind, and may provide regulations therefor by ordinance.

Sec. 172. In all judicial proceedings it shall be sufficient to plead any ordinance by caption, or by the number of the sections thereof wanted and the caption, and it shall not be necessary to plead the entire ordinance or section. All printed ordinances or codes of ordinances published by authority of the city council shall be admitted in evidence and shall have the same force and effect as would the original ordinances.

Sec. 173. All writs, subpoenas, or other process issuing out of the city court shall run in the name of the city of Dallas, and may be executed and served by the chief of police or his deputies or policemen anywhere within Dallas County, Texas.

Sec. 174. In all cases where by any of the provisions of this act, or by ordinances in pursuance thereof, a person is required to obtain a license for any calling, occupation, business, or avocation, and has on complaint before the city court been adjudged guilty of violating any rule, regulation, or ordinance of the city in relation thereto, said court in addition to the punishment to be imposed therefor may suspend or revoke the license so granted.

Sec. 175. The city council shall have power to cause the ordinances of the city to be printed in code form and have the same rearranged and digested as often as to the council may seem advisable.

Sec. 176. The city council shall have power to cause telegraph, telephone, and electric light companies to change the location of their poles; also to cause all erected poles not in use to be taken down and removed. If such companies shall fail to do such things after being notified, the city can have

the same done at the expense of such companies. The city council shall also have the power to require telegraph, telephone companies, and electric companies to run their wires under ground if in the wisdom of the council public interest should so demand.

Sec. 177. The style of all ordinances shall be, "Be it ordained by the city council of the city of Dallas;" but the same may be omitted from ordinances published in book or pamphlet form.

Sec. 178. All ordinances of a general nature shall be published at least once in some newspaper in the city of Dallas.

Sec. 179. All ordinances shall take effect from their passage unless otherwise therein expressed.

Sec. 180. All ordinances of the city when printed and published by authority of the city council shall be admitted and received in evidence in all courts and places without any further proof whatever; and all ordinances thus printed in book or pamphlet form shall be presumed to have been printed by authority of the council, and shall be prima facie evidence of that fact. Certified copies of ordinances shall also be received in evidence.

Sec. 181. All ordinances, resolutions, rules, and regulations now in force in the city of Dallas, and not in conflict herewith shall remain in force under this act until altered, amended, or repealed by the city council, after this act takes effect.

Sec. 182. That every ordinance passed by the city council shall be enrolled by the secretary within the next succeeding five days, Sundays excepted, or as soon thereafter as practicable. It shall then be carefully compared with the original bill and all amendments, if any, by at least one member of the committee that may be charged with that duty by the city council. If errors exist, they shall be corrected. If no errors exist, or if found then after their correction, the member making the comparison shall endorse on the margin the words "correctly enrolled" and give the date thereof and subscribe his name thereto. Whereupon the same shall be delivered immediately to the mayor for his consideration. If the mayor approve the same, it shall become a law. If he fail to approve or object to the same within ten days, exclusive of the day of presentation and Sunday should that intervene, the same shall become a law without his signature. But if within said time he shall veto the same, he shall present his written objections to the council by filing the same with the city secretary, and unless the council pass the ordinance over the mayor's veto by the majority hereinbefore provided the same shall not become a law.

Sec. 183. The city council shall have the right to remit, in whole or in part, any fine or penalty belonging to the city which may be imposed under any ordinance or resolution passed in pursuance of this act.

Sec. 184. No lien of any kind can ever exist against the public school buildings, public halls, or public works of the city of Dallas. All sub-contractors, material men, mechanics, and laborers upon any public works of the city of Dallas are hereby required to notify the city of all claims they may have on account of such work against said city, and when such notice has been given the city shall retain an amount from any funds due the contractors sufficient to satisfy all such claims: Provided, That such notice may be given at any time after such indebtedness becomes due and before final settlement: And provided further, That no contractor or sub-contractor shall issue any time checks on any public works of said city.

Sec. 185. All works of improvement and public works of the said city the cost of which shall exceed five hundred dollars, shall be let to the lowest

responsible bidder in the discretion of the city council under such regulations as the council may prescribe.

Sec. 186. The council shall require good and sufficient bonds of all contractors, with at least two good and sufficient sureties, who shall be residents of the state of Texas. No non-resident of the state shall ever be received as surety on any bond payable to the city of Dallas, except such guarantee companies as may be satisfactory to the city council. When bondsmen are not residents of Dallas County such proof of their solvency may be required as the council may deem necessary.

Sec. 187. All appropriations made or set apart for the payment of any interest or sinking fund or both, shall under no circumstances ever be diverted to any other purpose.

Sec. 188. The provisions of this act in so far as they may conflict with any state law shall be held to supersede the state law to that extent, and shall not be held invalid on account of such conflict.

Sec. 189. All questions arising in administering said city government and not provided for in this act shall be governed by the state law in such cases made and provided.

Sec. 190. All property, real and personal, belonging to the city of Dallas is hereby vested in the corporation created by this act, and the officers of said corporation now in office shall continue the same until superseded in conformity to the provisions hereof, but shall be governed by this act from and after it takes effect.

Sec. 191. This act shall not invalidate any legal action heretofore done by the city council of the city of Dallas or any of its officers or impair any liability which may have been created by said corporation prior to the passage of this act.

Sec. 192. No office provided for in this act and not now already existing shall be held to be created until the same is established by ordinance of the city council.

Sec. 193. That this act shall be deemed a public act and judicial notice shall be taken thereof in all courts and places without the same having been read in evidence.

Sec. 194. The city council shall have the power to prohibit the working of state convicts within the corporate limits of the city.

Sec. 195. To locate and regulate variety theatres.

Sec. 196. That an act entitled An Act to incorporate the city of Dallas and to grant a new charter to said city approved August 9, 1876, and all other acts relative to the incorporation of the city of Dallas in conflict with this act, be and the same are hereby repealed, but all property actions, rights of actions, claims, and demands of every nature and kind whatever, vested in said city under and by virtue of said laws hereby repealed, shall vest in and remain and inure to the said corporation under this act as fully and completely in all respects as if the said laws had not been repealed.

Sec. 197. Whereas the municipal election of the city of Dallas will be held early in the month of April next, and whereas it is desirable that said election should be held under this charter, therefore an emergency and an imperative public necessity exists requiring the constitutional rule requiring bills to be read on three several days be suspended, and said rule is so suspended, and this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 25 yeas, no nays; and passed the house by a vote of 86 yeas, no nays.]

Approved, March 13, 1889.

DALLAS—ACT AMENDING CHARTER OF.

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| <p>Sec.<br/>1. Amends Sections 25 and 31, Act March 13, 1889. (Preceding act.)<br/>Subsection 25. Dallas city court—judge of, etc.</p> | <p>Sec.<br/>1. Subsection 31. Dallas city court—limitation of appeals from.<br/>2. Emergency clause.</p> |
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CHAP. 2.—[S. B. No. 355.] An Act to amend Sections 25 and 31 of an act entitled An Act to grant a new charter to the city of Dallas, passed by the Twenty-first Legislature and approved March 13, 1889.

Section 1. Be it enacted by the Legislature of the State of Texas: That Section 25 and 31 of an act entitled An Act to grant a new charter to the city of Dallas, passed by the Twenty-first Legislature and approved March 13, 1889, be amended so as hereafter to read as follows:

Section 25. The judicial power of the city of Dallas shall be and the same is hereby vested in a court to be known as the Dallas City Court, to be presided over by a judge to be known as the city judge, which court is hereby created and established with a criminal jurisdiction as follows: First—To try, hear, determine, and punish all misdemeanors over which the recorder's court of Dallas now has jurisdiction. Second—To try, hear, determine, and punish all misdemeanors arising under the provisions of this charter. To have concurrent jurisdiction with state courts over all misdemeanors against the state laws committed within the city limits, except theft, swindling, aggravated assaults, aggravated assaults and battery, keepers or exhibitors of such games as are prohibited by law, and those involving official misconduct, and to have exclusive jurisdiction over disorderly houses and female vagrants.

Section 31. No appeals shall lie from this court unless the fine imposed is twenty dollars or more, and then only to the court of appeals. Said appeals shall be governed by the rules of practice and procedure for appeals from the county court to said court of appeals so far as the same may be practicable.

Sec. 2. The near approach of the close of the session, and the fact that it is desirable that this act go into effect as soon as possible, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and this act take effect from and after its passage.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 25 yeas, no nays and passed the house by a vote of 76 yeas, no nays.]  
Approved, March 27, 1889.

EAST DALLAS—REPEAL OF THE CHARTER OF.

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| <p>Sec.<br/>1. Attaches the territory of East Dallas to the city of Dallas.<br/>2. Vests public buildings, streets, etc., of East Dallas in the city of Dallas.<br/>3. As to division of East Dallas into wards, etc.<br/>4. The city of Dallas to assume debts of East Dallas.<br/>5. Herein as to taxes to pay off subsisting debts of East Dallas, etc.</p> | <p>Sec.<br/>6. Herein as to franchises heretofore granted by East Dallas.<br/>7. As to ordinances of Dallas binding in territory formerly comprised in East Dallas.<br/>8. When this act shall take effect.<br/>9. Emergency clause.</p> |
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CHAP. 3.—[S. B. No. 392.] An Act to provide for the repeal of the charter of East Dallas and the annexation of the territory thereof to the city of Dallas.

Section 1. Be it enacted by the Legislature of the State of Texas: That all of the territory embraced within the present limits of the city of East Dallas be and the same is hereby attached to and made a part of the city of Dallas, in Dallas County; from and after the time that this act shall take effect all of

the said territory shall become subject to the charter of the said city of Dallas and subject to all ordinances and other lawful regulations that may be passed or made by the lawfully constituted authorities of the city of Dallas the same as the territory of said city of Dallas was subject thereto, and all officers and courts of the city of Dallas shall have and exercise the same jurisdiction and power over the persons and property of every kind within the said limits now known as East Dallas as it has and exercises over persons and property in the city of Dallas.

Sec. 2. That all public school buildings and all public property, real, personal, and mixed, and all public streets and alleys in the said city of East Dallas, shall be vested in the said city of Dallas, the same as like property is now vested in the city of Dallas, and shall from the time that this act takes effect be subject to the control, management, and disposition of the said city of Dallas, and the free schools within the limits of East Dallas shall be subject to the control of the city of Dallas the same as those within the limits of the city of Dallas, entitled to the same rights and privileges, and subject to the same duties as the people and population of the city of Dallas.

Sec. 3. Before the tenth day of December, 1889, the city council of the city of East Dallas shall lay out the territory within its present limits into three wards as nearly equal in population and territory as is practicable, which wards so laid out shall upon the taking effect of this act become wards of the city of Dallas, and shall not be changed by the city council of the city of Dallas prior to the first day of January, 1892. There shall be an election held in the city of East Dallas on the second Tuesday in December, 1889, at which there shall be elected by the qualified voters thereof two aldermen for each of the wards so laid out, said election to be conducted in all respects as elections under the charter of the city of East Dallas. The aldermen so elected shall upon the taking effect of this act become members of the city council of the city of Dallas and shall qualify as required by the charter thereof. The said aldermen so elected shall be divided by lot into two classes: those of the first class shall hold their offices until the general election for aldermen in the city of Dallas for the year 1891, and those of the second class shall hold their offices until the general election in said city for the year 1892. After the first election the election for aldermen for said wards shall be held under the charter of the city of Dallas.

Sec. 4. The city of Dallas shall assume and pay all of the lawful debts which may exist against the city of East Dallas at the time this act shall go into effect, and said city of Dallas shall be entitled to receive from the officials of the city of East Dallas all moneys on hand, all books and assessment rolls, and all property of every kind, and all official and other bonds payable to the city of East Dallas or any of its officials shall inure to the benefit of the city of Dallas. All taxes levied and assessed by the city of East Dallas and not collected when this act shall take effect shall be collected and for the benefit of the city of Dallas as other taxes are collected.

Sec. 5. The city of Dallas is hereby authorized and empowered to levy a tax upon the property and other subjects of taxation within the limits of the present city of East Dallas sufficient to pay the interest and sinking fund of all bonds, and to pay all other debts that may exist against said city of East Dallas, and to fully provide for the payment of such debts, but no tax levied for this purpose shall be levied upon property in the limits of the city of Dallas, nor shall the like tax for paying the interest and sinking fund on bonds, or the payment of any debts against the city of Dallas accruing prior to January 1, 1890, be levied upon property or subjects of taxation in the limits of the present city of East Dallas, and the city council of the city of

Dallas is authorized to make all necessary rules and regulations to secure the separate collection and application of said taxes for the said purposes, but the city council of Dallas shall have full and complete power to levy taxes for every purpose as under its charter without distinction as to territory.

Sec. 6. That all franchises granted to any firm, person, or corporation prior to the first day of January, 1890, shall be and remain as valid and as binding as if this act had not been passed, and all such persons, firms, or corporations in the exercise and enjoyment of such franchises shall be subject to the control of the city council of the city of Dallas, and all courts and officials the same as if within the limits of the said city of Dallas as now existing.

Sec. 7. That all ordinances adopted by the city of Dallas prior to the first day of January, 1890, and not in conflict with the provisions of this act, shall be as binding in the territory of the city of East Dallas as in the city of Dallas.

Sec. 8. That this act shall take effect from and after the first day of January, 1890, and upon that date the charter of the city of East Dallas shall be repealed and the term of office of each officer in said city of East Dallas, except the aldermen herein provided for, shall cease and terminate from that date.

Sec. 9. The near approach of the close of the session of the legislature creates an imperative public necessity and an emergency authorizing the suspension of the constitutional rule requiring bills to be read on three several days, and it is hereby suspended.

Approved, April 3, 1889.

# EL PASO—ACT INCORPORATING CITY OF.

Sec.

1. Incorporating clause.
2. Defines boundaries thereof.

## Officers and Their Election.

3. Municipal government.
4. City to be divided into wards.
5. Who are qualified electors.
6. Time of holding general elections.
7. Elective officers.
8. Who eligible to office.
9. Time and notice of election, etc.
10. Powers of officers and judges of election.
11. Election returns, etc.
12. Time and manner of canvassing vote.
13. City council to elect certain officers.
14. Recorder—qualification and compensation. Compensation of other officers.
15. Vacancies in office—manner of filling.

## Duties and Powers of Officers.

16. Official oath.
17. Mayor—duties of.
18. Further duties and powers of mayor in case of riot, etc.
19. Mayor's duty as to closing places of amusement, etc., in cases of riot, etc.
20. Veto powers of mayor.
21. City recorder—duties of.
22. Secures trial by jury.
23. Right of appeal from judgment of conviction in recorder's court.
24. Chief of police—duties of, etc.
25. Chief clerk—duties of, etc.
26. Treasurer—bond and duties of.
27. Assessor and collector—duties of.
28. City attorney—duties of.
29. City engineer—duties of—committee on streets.
30. Other duties may be required of officers by council.
31. City council may require bonds.

## General Powers and Duties of City Council.

32. City council—how constituted, etc.
33. City council—stated meetings, petitions to, rules by, etc.
34. City council—to have control of finances, etc.
35. City council—power to appropriate money, etc.
36. City council—special funds.
37. City council—quarantine laws, etc.
38. City council—markets, market houses, etc.
39. City council—hospitals.
40. City council—rules with regard to butchers.

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41. City council—inspection of beef, etc.
42. City council—abatement of nuisances.
43. City council—regulations to promote health, etc.
44. City council to co-operate with commissioners courts in making improvements, etc.
45. City council—may require cleansing of nauseous places.
46. City council—to direct location of certain industries.
47. Burial of the dead.
48. For abatement of nuisances, etc.
49. May require owners to wall, cover, etc., ditches, drains, sinks, etc.
50. To prevent deposit of dead animals, etc., in city limits.
51. To secure sanitary condition of tenement houses, jails, etc.
52. To prevent befouling water.
53. To regulate method, etc., of cleansing cesspools.
54. To inspect educational buildings, etc.
55. Sanitation of tenements, etc.
56. To provide water supply, etc.
57. Exclusive control over streets, etc.
58. Bridges, culverts, etc.
59. To provide for lighting streets, etc.
60. Improving public grounds, etc.
61. To regulate carrying of weapons.
62. To prevent encumbering streets.
63. To license and tax merchants, etc.
64. To license and prohibit peddlers, hawkers, shows, etc.
65. To license, regulate, etc., circuses, etc.
66. To license, etc., hackmen, etc.
67. To license, etc., billiard tables, etc.
68. To authorize issuance of licenses, etc.
69. To prohibit sales or gifts of liquors in evasion of taxes, etc., or to minors, etc.
70. To prevent sale and gift of intoxicating liquors at certain places, etc.
71. To regulate weight, etc., of bread.
72. To create and regulate police.
73. To suppress, etc., riots, affrays, etc.
74. To prevent horse racing, etc.
75. To restrain vagrants, etc.
76. To establish public pounds, etc.
77. To tax dogs, to restrain running at large of, etc.
78. To prevent explosion of firecrackers, firing of guns, etc.
79. To erect work houses, etc.
80. To compel city convicts to labor on public works.
81. To prevent breaches of peace, etc.



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82. To prevent keeping of disorderly houses, etc.  
83. To direct, etc., laying of railway tracks, sidings, etc.  
84. To assess municipal taxes on city railroads, etc.  
85. To prevent driving cattle through city, etc.  
86. Passage and publication of ordinances, etc.  
87. Ordinances for funding debts, etc.  
88. To borrow money to improve streets, etc.  
89. As to issuing bonds.  
90. Bonds to be signed by mayor, countersigned, etc.  
91. Bonds to be forwarded to the comptroller for registration.  
92. Mayor to furnish comptroller statement of taxable values.  
93. To levy taxes on assessed value of real and personal property.  
94. Creation of debts provided for.  
95. Poll taxes provided for.  
96. Occupation tax.  
97. Penalty for failing to pay occupation tax, etc.  
98. Defines the term "real estate."  
99. Defines the term "personal estate."  
100. Ordinances for collection of taxes.

#### Collection of Taxes.

101. Manner of making out tax lists, etc.  
102. Providing for renditions, etc.  
103. City taxes to be assessed and collected in same manner as state, except, etc.  
104. Board of equalization.  
105. Board of equalization to convene, etc.  
106. Board to examine assessment lists, etc., of assessor.  
107. Further defining duties of board of equalization.  
108. Assessor to furnish lists of persons, etc., refusing to render, etc.  
109. Duty of board as to raising valuations, etc.  
110. Board to hear persons, the value of whose property has been raised.  
111. Board to approve lists, etc.  
112. Action of board as provided in section 111 to be final.  
113. Members of said board to be sworn.

#### Fire Department.

114. Council may establish fire limits, etc.  
115. Power to prevent dangerous condition of flues, etc.  
116. To prevent deposit of ashes where liable to produce fire, etc.  
117. To require inhabitants to keep fire buckets, etc.  
118. To regulate, etc., manufactures calculated to cause fires.  
119. To regulate, etc., storage of powder in city limits, etc.  
120. Parapet walls, etc.  
121. To require owners to provide access, etc., to roofs of houses.  
122. To keep away from fires suspicious persons, etc.  
123. General regulations, etc., to prevent fires.  
124. To maintain fire department.  
125. Buildings may be destroyed in case of fire damages for, etc.  
126. Satisfaction of such damages.

#### Sanitary Regulations.

- Sec.  
127. Board of health.  
128. Powers, etc., of board of health.  
129. Penalty for persons in charge of cars, etc., to enter city having on board persons afflicted with infectious diseases, etc.  
130. Hotel keepers, etc., to report infectious cases.  
131. For appointment of health physician.  
132. To effect abatement of nuisances, etc.  
133. Extraordinary powers of board of health in case of epidemics.  
134. Board to keep records, etc.  
135. Jurisdiction of the board of health.

#### Streets and Alleys.

136. City council—power to establish grade of streets, etc.  
137. Power to open, widen, etc., streets, etc.  
138. Special tax for streets levied on abutting lots, etc.  
139. To provide for cleaning streets, etc.  
140. Further defining duties of council as to opening and widening streets, etc.  
141. Special taxes—due when, etc.  
142. As to costs and expenses of grading, etc., streets at points of intersection.  
143. City engineer to compute costs to be taxed against abutting lots.  
144. Herein as to description of lots.  
145. Herein as to sale, etc., of lots for such taxes.  
146. Engineer to inspect work, etc.  
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148. Herein as exercise of the power of eminent domain.

#### Miscellaneous.

149. Herein as to removing dilapidated houses, etc.  
150. Writs and process—by whom to be executed.  
151. Herein as to peace bonds, etc.  
152. Herein as to requiring license, etc.  
153. Official paper.  
154. For publication of receipts, etc.  
155. As to publication of ordinances imposing fines, etc.  
156. Proof of ordinances.  
157. Style of ordinances.  
158. As to existing ordinances.  
159. Fines, etc., to be paid into city treasury.  
160. As to resignations.  
161. Herein as to removal of officers.  
162. Herein as to malfeasance of officers, etc.  
163. Prohibits members of council holding other offices, etc.  
164. Herein as to aldermen failing to attend council meetings.  
165. City council to prescribe duties of officers.  
166. Fixing salary of mayor, etc.  
167. City not required to give coat bond.  
168. Cemetery lots exempt from forced sale.  
169. Herein as to pending suits, etc.  
170. Property of El Paso vested in this corporation.  
171. Rate of interest on debts.  
172. As to free libraries.  
173. As to taking city census.  
174. Court required to take notice of this act.  
175. Emergency clause.  
176. Repealing clause.

#### CHAP. 4.—[H. B. No. 436.] An Act to grant a new charter to the city of El Paso.

Section 1. Be it enacted by the Legislature of the State of Texas: That all the inhabitants of the city of El Paso shall continue to be a body corporate and politic with perpetual succession by the name and style of the "City of El Paso," and under that name shall be known in law and shall have power to make and use a corporate seal and to alter the same at pleasure; to make such contracts as may be necessary for the more perfect execution or enjoyment of powers, duties, rights, franchises, and immunities hereby granted or imposed; to take, purchase, hold, lease, grant, and convey such property, real, personal, or mixed, as the purposes of said corporation may require, whether the said property be within or without the limits thereof; and to sue and be sued.

Sec. 2. That all that portion and no more of the county of El Paso em-

braced within the bounds hereinafter in this section set forth and described shall be within the limits of said city, and subject to its jurisdiction; that is to say, beginning at the southwest corner of the present Fort Bliss military reservation as established by the military survey; thence due north along the west boundary line of said reservation and beyond the same to the intersection of an extension due west of the north boundary line of the "N. W. Burdett Survey No. 1," commonly known as the "Bassett Addition;" thence due east to the northeast corner of the said "N. W. Burdett Survey No. 1;" thence due south to the international boundary line between Texas and Mexico; thence along said boundary line to its intersection with a line running due south from the southwest corner of the aforesaid military reservation; thence due north to the place of beginning: Provided, That whenever a majority of the male freeholders over twenty-one years old, who are citizens of the state of Texas and inhabitants of any territory adjoining said city, shall desire to have such territory annexed to the said city, they may present a written petition to that effect to the city council, and shall attach to said petition the affidavit of one or more of their number to the effect that said petition is signed by a majority of such freeholders; and thereupon the city council, at any regular session held not sooner than twenty days after the presentation of said petition, may by ordinance annex said territory to the city, and thenceforth the said territory shall be a part of the city and the inhabitants thereof shall be entitled to all the rights and privileges of other citizens, and shall be bound by the acts, ordinances, resolutions, and regulations of the city: And provided further, That the city council may make, pass, or ordain such rules, regulations, ordinances, or resolutions as may be necessary to secure the more perfect use and enjoyment of and the maintenance of good order on real estate owned or occupied for municipal purposes by the city out of the limits thereof and within the county of El Paso, and all violations of such rules, regulations, or ordinances shall be punishable in the recorder's court.

#### OFFICERS AND THEIR ELECTION.

Sec. 3. The municipal government of the city shall consist of a city council, which shall be composed of a mayor and a board of aldermen. A majority of the board of aldermen shall constitute a quorum for the transaction of business except at called meetings or meetings for the imposition of taxes, when two-thirds of the full board shall be required unless otherwise herein specified.

Sec. 4. The city council shall divide the city into such wards as it may deem advisable and may increase or diminish the number of wards and change their boundaries at pleasure: Provided, That the number of wards shall never exceed nine and until the population of the city shall be twenty-five thousand or more the number of wards shall not exceed six: And provided further, That no change shall be made in the number or boundaries of the wards within four months preceding any regular municipal election.

Sec. 5. Every person who is entitled to vote for members of the legislature of this state, and who shall have resided within the corporate limits of the city for six months and in the ward in which he offers to vote for twenty days next preceding any city election held for the purpose of electing officers, shall have the right to vote thereat.

Sec. 6. There shall be an election of city officers in said city held in the manner hereinafter specified on the second Tuesday in April of each and every year: Provided, That if this act shall not go into effect in time to

allow of notice being given under its provisions for an election on the second Tuesday in April, 1889, then and in that event the first general election under this act shall be held on the fifth Tuesday after this act shall take effect and be in force, and all officers elected at said first election or by the city council as provided in section 13 of this act shall hold office until the qualification of their successors in accordance with this act.

Sec. 7. The qualified electors of said city shall elect the following named officers thereof: The mayor, two aldermen from each ward, a recorder, a treasurer, a city attorney, a city assessor and collector, and a city engineer, each of whom shall hold his office for two years and until the election and qualification of his successor: Provided, That of the officers elected at the first election held in accordance with this act, one alderman, to be determined by lot from each ward, the recorder, the treasurer, the city attorney, the city assessor and collector, and the city engineer shall hold their offices until the next general municipal election only and until the election and qualification of their successors.

Sec. 8. No person shall be eligible to the office of mayor unless he possesses the qualifications of an elector at municipal elections, is a citizen of the United States, and shall have resided two years next preceding the election within the limits of the city; and no person shall be eligible to the office of alderman unless, in addition to the above qualifications, he be a resident at the time of his election of the ward from which he may be elected; and if any alderman shall remove from the ward in which he was elected, the city council shall declare his office vacant and a new election shall be ordered to fill the same. No person shall be eligible to any office specifically created by this act unless he possesses the qualifications of an elector at municipal elections: Provided, That if an officer holding an office specifically created herein shall remove from the city, the city council shall declare his office vacant and the same shall be filled in the manner specified in section 15 hereinafter.

Sec. 9. The mayor shall, by proclamation published in some newspaper published in the city, give thirty days notice of all elections, except when the election is held to fill a vacancy, and in that event ten days notice shall be so given. Such proclamation shall state the places at which said election is to be held, the purpose of the election, and the offices, if any, that are to be filled. The city council shall provide the places at which the election is to be held, one in and for each ward: Provided, That when the population of the city shall be twenty-five thousand or more the city council may provide that polls be opened and votes cast in any number of places in each ward, not exceeding three, that may be deemed necessary, and in that event the city council shall have power to require each voter to cast his vote at the voting place in the subdivision of the ward in which he resides. The mayor shall appoint and the board of aldermen confirm the presiding officers of election, each of whom shall be a qualified voter at municipal elections of the ward for which he is appointed and at the election over which he is to preside. In the event that the mayor shall fail to give notice as herein required of any municipal election, the board of aldermen shall at any time within thirty days of the election give such notice; and if both the mayor and the board of aldermen fail to give the notice of election herein provided for, then and in that event any two or more aldermen may give such notice at any time within twenty days of the election. If for any reason the city council shall have failed at the time of the issuance of the notice of election to provide the places at which the election is to be held, the person or persons by whom the notice is given shall provide such places. Except where otherwise herein provided, elections shall be held, votes counted, and returns

made in the same manner as is now or may hereafter be provided for the elections at which members of the legislature are elected.

Sec. 10. The presiding officers and the judges of elections shall have all the powers now or hereafter possessed by the judges of the elections at which members of the legislature are chosen, and in addition thereto they shall have and exercise such additional powers to prevent illegal voting and to maintain the public peace in the neighborhood of the polls as may be conferred on them by the council.

Sec. 11. Returns of elections shall be made to the mayor within twenty-four hours after the completion of the counting of the votes. As soon as all the ballots cast at each voting place shall be counted, they, together with one poll list and one tally list, shall be placed in a wooden or metallic box securely fastened and sealed and within forty-eight hours thereafter shall be delivered by one of the managers of the election to the city clerk, who shall safely keep the same for six months after the election, at which time, unless required in case of a contested election, they shall be by him destroyed. The presiding officer of election shall retain in his custody one of the poll lists and one of the tally lists of the election and shall keep the same in his possession for six months subject to the inspection of any person interested in the election.

Sec. 12. On the first Saturday following every election, or as soon thereafter as possible, the city council shall meet and open and canvass the returns and ascertain and declare the result of the election. The proceedings of the city council in opening and canvassing the returns shall be entered at large upon the minutes as in other cases, and if the election was held for the election of any officer or officers, the said entry shall show the number of votes received by each candidate at each voting place, the office for which he was a candidate, and the name of the person elected to each and every office. The candidates receiving the highest number of votes respectively shall be declared elected. In case of a tie between two or more candidates for the same office, not all of whom can be elected, the city council shall declare such election void as between such candidates only, and shall immediately order a new election for that office, first giving not less than ten days notice thereof. Every officer elect of whom no official bond is required, and every officer elect of whom an official bond is required, shall qualify within five and ten days respectively after the aforesaid declaration of the result of the election: Provided, That the mayor elect shall in all cases qualify within six days of the aforesaid declaration. If any officer shall fail to qualify within the time herein specified, the city council shall forthwith declare the office vacant, and the same shall be filled as herein provided in section fifteen of this act.

Sec. 13. On the third Tuesday after the general popular municipal election in each and every year ending in an odd number, or as soon thereafter as is practicable, the city council shall elect by ballot the following named officers who shall hold their offices for two years and until the qualification of their successors: a city clerk and such other officers and agents other than policemen as the corporate necessities may require: Provided, That when the population of the city shall reach twenty-five thousand the office of assessor and collector of taxes may be divided, and there shall be elected, as hereinbefore provided in section 7, an assessor of taxes and a collector of taxes, whose duties, powers, and compensation respectively shall be fixed by the city council as provided in this act. Every person elected to office by the city council or appointed by the mayor shall within twenty days thereafter qualify and enter upon the discharge of his duties, and in default thereof the city council shall declare the office vacant and proceed to fill the same by a new election. And there shall be a chief of police appointed by the mayor, by

and with the consent of the board of aldermen, whose term of office shall expire with that of the mayor appointing him. The mayor shall also by and with the consent of the board of aldermen appoint all police officers.

Sec. 14. The recorder shall be learned in the law, and he shall be paid a salary of not less than fifteen hundred dollars per annum, but in no case shall he receive any fees. The other officers and agents of the city, except the aldermen, shall receive for their services such compensation as the city council may ordain. The aldermen shall each receive such a sum, not to exceed five dollars for each session of the city council attended, as the city council may ordain: Provided, That no alderman shall receive in any one year more than the sum of three hundred dollars.

Sec. 15. When a vacancy shall occur in any office, if the vacancy occurs in an office held by an officer elected by the people, a special election shall be held to fill the same; if in an office within the elective or appointive power of the city council, the council shall proceed to fill the same; if in an office within the appointive power of the mayor, the vacancy shall be filled by him. The city council shall have power to fill any vacancy occurring in an office ordinarily filled by popular election until a special election can be held. The city council shall provide for filling vacancies in all offices not herein provided for, and in all cases of vacancy the same shall be filled for the unexpired term only: Provided, That whenever a vacancy shall occur by resignation or otherwise in the municipal offices of the city, so that such vacancy cannot be filled under the charter of the city or under the laws of the state in force at the time of such vacancy, then and in that event it shall be the duty of any judge of a court of record of El Paso County, upon the petition of not less than fifty of the principal tax payers, citizens of the city, at once to order an election to fill such vacancy, giving notice of not less than ten days in the usual manner provided for such elections. During the temporary absence or disability of any officer the city council shall elect some suitable person to discharge the duties of the absent or disabled officer until his return or the removal of his disabilities.

#### DUTIES AND POWERS OF OFFICERS.

Sec. 16. Every person elected by the voters of said city to fill any office or by the city council under this act shall before entering upon the duties of his office take and subscribe the official oath prescribed in the constitution of this state, and the city council may by ordinance require such additional oath as it may deem best calculated to secure faithfulness in the performance of their duties by such officers.

Sec. 17. The mayor shall be the chief executive officer of the city and shall be vigilant and active at all times in causing the laws and ordinances for the government of said city to be duly executed and put in force. He shall inspect the conduct of all subordinate officers in the government thereof, and as far as may be in his power shall cause all negligence, carelessness, and positive violations of duty to be prosecuted and punished. He shall have power whenever in his judgment the good of the city may require it to call special meetings of the city council, and he shall from time to time communicate to that body all such information and recommend all such measures as may tend to the improvement of finances, police, health, security, cleanliness, comfort, ornament and government of the city.

Sec. 18. Whenever the mayor shall deem it necessary in order to enforce the laws of the city, or to avert danger, or to protect life or property in case of riot or any outbreak or public calamity or public disturbance, or when he

has reason to fear any serious violation of law or order, or any outbreak, or any other danger to the city or the inhabitants thereof, he shall summon into his services as a special police force all or as many of the citizens as in his judgment and discretion may be necessary and proper, and such summons may be by proclamation or order addressed to the citizens generally or to those of any ward of the city or subdivision thereof, or such such summons may be by personal notification; such police force while in service shall be subject to the orders of the mayor, shall perform such duties as he may require, and shall have the same power while on duty as the regular police force of the city, and any person so summoned and failing to obey, or appearing and failing to perform any duty that may be required by this act, shall be fined in a sum not exceeding one hundred dollars.

Sec. 19. The mayor shall have authority in case of a riot or any unlawful assemblage and with a view to preserve peace and good order in the city to order and enforce the closing of any theater, ball room, grog shop, bar room, tippling house, or other place of resort or public room or building, and may order the arrest of any person violating in his presence the laws of the state or any ordinance of the city, and he shall perform such other duties and possess and exercise such other powers and authority as may be prescribed and conferred by the city council.

Sec. 20. All ordinances and resolutions adopted by the council shall before they take effect be placed in the office of the city clerk, and if the mayor approve thereof he shall sign the same, and such as he shall not sign he shall return to the city council with his objections thereto. Upon the return of any ordinance or resolution by the mayor the vote by which the same was passed shall be reconsidered, and if after such reconsideration two-thirds of the whole number of aldermen elected agree to pass the same and enter their votes on the journal of their proceedings it shall be in force: Provided, That if the mayor shall neglect to approve or to object to any such ordinance or resolution for a longer period than five days after the filing with the clerk as aforesaid, exclusive of the day of filing, the same shall go into effect.

Sec. 21. The recorder shall be the chief judicial officer of the city, and as such he shall hold a court within said city by the name of the recorder's court of the city of El Paso, which said court shall have jurisdiction and cognizance of all misdemeanors, breaches of the peace, infractions of the ordinances, and all other cases arising under the laws of the city, and shall be deemed always open for the trial of said cases. The said court shall have full power, authority, and jurisdiction in all cases arising under the ordinances of the city and over any breaches and violations thereof and of any and all persons thus offending, and to try and determine all suits, actions, and complaints charging a violation of any ordinance of the city, and may grant new trials on motion in writing showing sufficient cause, and all prosecutions, trials, and proceedings had in said court under this act shall be governed as nearly as may be by the laws and rules regulating trials, prosecutions, and proceedings in justices courts in force at the time. The recorder may require of any person arrested under the provisions of this act a bond for his good behavior and to keep the peace, with two good and sufficient sureties, which bond shall be payable to the city of El Paso. He shall have full power and authority to issue subpoenas for witnesses and to compel their attendance by process of attachment. He may punish all contempts by fine and imprisonment or either, may issue subpoenas, attachments, writs of *habeas corpus*, warrants of arrest, search warrants, executions and all other process known to law which a justice of the peace of this state may lawfully issue, and all of said writs and process shall be issued, served, and executed under the

same forms and in the same manner as the like process would be when issued by a justice of the peace unless herein otherwise provided. He shall also have full power and authority to administer official oaths and all oaths and affirmations in trials before him. The recorder shall possess and execute in the city in criminal cases all the powers and duties of a justice of the peace, and shall have the same authority and like powers with justices of the peace in the prevention and suppression of crime, but he shall in no case entertain jurisdiction in civil suits. The city council may determine what costs, if any, shall be charged in proceedings in and for all process issued in said court: Provided, That said costs shall not be in excess of the costs allowed by the laws of the state in like cases. The recorder shall perform such other duties that may be prescribed by any ordinance of the city as may properly and lawfully be required of said officer as the judge of said court and are not inconsistent with the laws and constitution of this state: Provided, That all moneys collected from fines of whatever character imposed by the recorder shall be paid into the city treasury for the use of the city.

Sec. 22. Every person brought before the recorder to be tried for an offense for which the penalty may be fine or imprisonment, or both, shall be entitled if he shall demand it to be tried by a jury of six qualified voters of the city, who shall be summoned, impaneled, and sworn as jurors in justices courts under the laws of the state.

Sec. 23. In all cases of conviction in the recorder's court the defendant shall have the right of appeal to the county court upon the same conditions and in the same manner as nearly as may be as provided in case of appeals in criminal cases from the justices courts to the county court: Provided, That whenever the defendant is fined in a sum greater than one hundred dollars or is sentenced to imprisonment the county court shall have no jurisdiction to entertain the appeal and the defendant may appeal directly to the court of appeals upon the same conditions and in the same manner as nearly as may be as is provided in case of appeals in criminal cases from the county courts to the court of appeals.

Sec. 24. The chief of police shall attend upon the recorder's court while said court is in session and shall promptly and faithfully execute all writs and processes issued from said court. He shall have like power with the sheriff of the county to execute the writ of search warrant. He shall be active in quelling riots, disorder, and disturbances of the peace within the limits of the city, shall take into custody all persons so offending against the peace of the city, and shall have authority to take suitable and sufficient bail for the appearance before the recorder's court of any person charged with an offense against the ordinances or laws of the city. It shall be his duty to arrest without warrant all violators of the public peace, and all who obstruct or interfere with him in the execution of the duties of his office, or who shall be guilty of any disorderly conduct or disturbance whatever. To prevent a breach of peace or to preserve quiet and good order he shall have authority to close any theater, bar room, ball room, drinking house, or any other place or building of public resort; and in the prevention and suppression of crime and arrest of offenders he shall have, possess, and execute like power, authority and jurisdiction as the sheriff of a county under the laws of the state. He shall receive a salary to be fixed by the city council. The chief of police shall give such bond for the faithful performance of his duties as the city council may require, and he shall perform such other duties and possess such other powers, rights, and authority as the city council may by ordinance require and confer, not inconsistent with the constitution and laws of this state.

Sec. 25. It shall be the duty of the city clerk to attend every meeting of

the city council and keep accurate minutes of the proceedings thereof in a book to be provided for that purpose, and to engross and enroll all laws, resolutions, and ordinances of the city council; to keep the corporate seal; to take charge of and preserve and keep in order all the books, papers, records, documents, and files of said council; to countersign all commissions issued to the city officers and licenses issued by the mayor, and to keep a record or register thereof; and to make out all notices required under any regulation or ordinance of the city. He shall draw all warrants on the treasurer and countersign the same and keep an accurate account thereof in a book provided for that purpose. He shall be the general accountant of the city and shall keep in books regular accounts of the receipts and disbursements for the city, and separately under proper heads each cause of receipt and disbursement; and also accounts with each person, including officers, who have money transactions with the city, crediting amounts allowed by proper authority and specifying the particular transaction to which such entries apply. He shall also keep a register of bonds and bills issued by the city, and all evidences of debt due and payable to it, noting the particulars thereof, and all facts connected therewith as they occur. He shall carefully keep all contracts made by the city council, and he shall do and perform all such other duties as may be required of him by law, ordinance, resolution, or order of the city council. He shall receive for his services an annual salary, payable at stated periods, to be fixed by the city council.

Sec. 26. The treasurer of the city shall give bond in favor of the city in such amount and in such form as may be required by the city council and with sufficient security to be approved by the city council, conditioned for the faithful discharge of his duties. He shall receive and securely keep all moneys belonging to the city and make all payments for the same upon the order of the mayor, attested by the clerk under the seal of the city: Provided, That no order shall be paid unless the said order shall show upon its face that the city council has directed the issuance and for what purpose. He shall render a full and correct statement of his receipts and payments to the city council at their first regular meeting in every quarter, and whenever at other times he may be required by the council to do so; at the end of every half year he shall cause to be published at the expense of the city a statement showing the amount of receipts and expenditures for the six months next preceding, and the general condition of the treasury; and he shall do and perform such other acts and duties as the city council may require; and for his services he shall receive such compensation as shall be fixed by the city council.

Sec. 27. The assessor and collector shall make up the assessment of all property taxed by the city and make duplicate rolls thereof, and on completion of the rolls shall deliver one of them to the city clerk. He shall collect all taxes due the city, and in the event of non-payment of any taxes shall proceed to sell property to raise the amount of taxes so due; and shall in the performance of their duties observe the provisions of this act and the ordinances of the city relating thereto. He shall give bond in such amount and in such form as the city council may prescribe, with good and sufficient sureties. He shall at the expiration of every week pay to the city treasurer all moneys by him collected, and shall report to the city council at the first meeting in every month all moneys so collected and paid; and he shall perform all such other duties and in such manner and according to such rules and regulations as the city council may prescribe. The assessor and collector is authorized to require the owners of all property subject to taxation to render a correct account of the same under oath to be administered by



him. The assessor and collector shall receive such fees and commissions for his services as may be allowed by the ordinances of the city.

Sec. 28. The city attorney shall attend all meetings of the council and shall draw up all the ordinances of the city. He shall, when so requested, give advice in writing to the city council, the mayor, the treasurer, chief of police, health physician, or assessor and collector. He shall prosecute or defend as the case may be all suits or cases to which the city is a party and pending in any court sitting in El Paso County or appealed from any of said courts. He shall attend the sessions of the recorders court either in person or by deputy, and prosecute all persons charged with offenses therein, and for which purpose he may appoint a deputy. He shall approve the form of all contracts to which the city is a party, and of all official bonds, and in general shall do and perform all and every service of a professional nature that he may be required to do by the city council.

Sec. 29. It shall be the duty of the city engineer to make all surveys of such streets, alleys, lanes, blocks, lots, or other grounds within or without the city as the city council shall direct; to establish permanent monuments in all such surveys in such manner as to protect them as far as possible from destruction by fire, traffic, or other cause; to make all surveys of lots, blocks, or other grounds within the city for private individuals when called upon by them to do so, of which surveys when so completed he shall give certificates to such individuals as may require them; to take the levels, establish bench-marks at convenient distances, and report to the city council the proper grades for all such streets, alleys, and all other public or private grounds as the council may direct; to have a general supervision of all grading and other public works of a permanent character done for the city and not otherwise provided for, and to see that such improvement is done according to grade, ordinance, and contract; to prepare plans and specifications for the construction of all such works, which plans and specifications shall be submitted to the council for approval; and to perform all other duties not inconsistent with the nature of his office which the city council may require. He shall keep in his office a record book wherein a plat of every survey made by him within the city limits shall be placed and indexed; also grade maps which have been approved and made official by the council, and a correct list of benchmarks with their descriptions and locations. He shall also keep in his office a book of levels containing a true copy of all the original notes of the levels of the streets, alleys, or other grounds taken by him for any purpose relating to his office. He shall also keep in his office a book in which he shall record all estimates made by him on public works. He may employ by and with the consent of the council such assistants as may be necessary for the proper prosecution and discharge of his duties. All instruments, engineers materials, statements, and other supplies that shall be required for the office of the city engineer shall be furnished him by the city as the council shall direct. It shall be the duty of the committee on streets and grades to examine at least every three months all books and records of the office and report the condition of the same to the city council.

Sec. 30. The city council shall have power from time to time to require [other] and further duties of all officers whose duties are herein prescribed, and to define and describe the powers and duties of all officers appointed or elected to any office under this act whose duties are not herein specially defined, and to fix their compensation.

Sec. 31. The city council may require bonds to be given to the city by all officers for the faithful performance of their duty. Whenever the city council shall be of the opinion that the bond of any city officer is defective

or insufficient, it may require the officer to give a new bond, and if such officer fails to comply with the order of the city council for the space of ten days his office shall be declared vacant by the city council and shall be filled as herein provided in the case of vacancy otherwise created. All official bonds shall be payable to the mayor and to his successors in office and shall be approved by the city council, and the validity of no official bond shall be affected by any subsequent increase or change in the official duties of the office made by the city council by virtue of the powers in it herein vested.

#### GENERAL POWERS AND DUTIES OF THE CITY COUNCIL.

Sec. 32. The mayor and the board of aldermen shall constitute the city council of the city. The city council shall meet at such times and places as it shall by resolution direct. The mayor when present shall preside at all meetings of the city council, and shall in all cases of tie have a casting vote. In case of the absence of the mayor from any meeting of the city council, the board of aldermen may elect an alderman to preside at that meeting. In case of the absence of the mayor from the city or his disability to perform the duties of the office, the board of aldermen may elect an alderman to fill the office of mayor until the mayor shall return or shall be able to resume the duties of the office. Any three members of the board of aldermen may call a special meeting of the city council. All calls for special meetings whenever issued by the mayor or by members of the board of aldermen shall be in writing and shall state the object of the meeting, and no business shall be transacted at said meeting other than that specified in the call.

Sec. 33. The city council shall hold stated meetings. Petitions and remonstrances may be presented to the council in writing only. The council shall determine the rules of its proceedings and shall be the judge of the election and qualifications of its own members, and may punish them for disorderly conduct.

Sec. 34. The city council shall have the management and control of the finances and property, real, personal, and mixed, belonging to the city: Provided, That no suit of any nature whatever shall be maintained against the city of El Paso unless the plaintiff therein shall aver and prove that previous to the filing of his petition he applied to the city council in writing for redress, satisfaction, compensation, or relief, as the case may be, and that the same was by the city council refused.

Sec. 35. The city council shall have power to appropriate money and to provide for payment of debts and expenses of the city.

Sec. 36. To provide by ordinance special funds for special purposes and to make the same disbursable only for the purpose for which the fund was created, and any officer of the city misappropriating said special fund shall be deemed guilty of malfeasance in office and shall upon trial and conviction be removed from office and be incapable thereafter to hold any office in the city.

Sec. 37. To make regulations to prevent the introduction or spread of contagious diseases within the city; to make quarantine laws for that purpose, and to enforce them within the city and within ten miles thereof; to enforce vaccination.

Sec. 38. To establish or erect, or cause to be established or erected, markets and market houses; to designate, regulate, and control market places and privileges, and to inspect and determine the mode of inspecting meats, birds, fowls, fish, vegetables, fruits, milk, and every article of food or drink intended for human use or consumption, or which may be used in the composi-

tion or preparation of such food or drink brought into, held, or offered for sale in the city, and to seize and destroy any decayed or unwholesome fruit or vegetables, any impure or unhealthy or unwholesome meats, birds, fowls, or fish, or any milk which has been watered, adulterated, reduced, or changed in any respect by the addition of water or other substance or by the removal of cream; and to regulate, license, control, or prevent the sale or the keeping for sale on the public streets, squares, and alleys of any article of food or drink, or any goods, wares, or merchandise of any kind whatever.

Sec. 39. To erect or establish one or more hospitals, and to control and regulate the same; and to prohibit or to permit and regulate the establishment of private hospitals.

Sec. 40. To make such rules and regulations in regard to butchers as it may deem necessary and proper.

Sec. 41. To regulate the inspection of beef, pork, flour, meal, salt, and other provisions; whisky and other liquors to be sold in barrels, hogsheads, and other vessels and packages; to appoint weighers, gaugers, and inspectors, to prescribe their duties and regulate their fees.

Sec. 42. To abate all nuisances which may injure or affect the public health or comfort in any manner they may deem expedient.

Sec. 43. To do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of diseases.

Sec. 44. To co-operate with the commissioners court of the county of El Paso in making such improvements connected with the city and county as may be deemed by the city council and the commissioners court necessary to improve the public health and to promote efficient sanitary regulations; and by mutual arrangement they may provide for the construction of such improvements and the payment therefor.

Sec. 45. To compel the owner or occupant of any grocery, soap, tallow, or chandler establishment, or blacksmith shop, tannery, stable, slaughter house, distillery, brewery, sewers, privy, hide houses, or other unwholesome or nauseous house or place, to cleanse, remove, or abate the same as may be necessary for the health, comfort, and convenience of the inhabitants.

Sec. 46. To direct the location of business, tanneries, blacksmith shops, livery stables, and manufacturing establishments; to direct the location of and regulate the management and construction, or to restrain, abate, and prohibit within the city limits slaughtering establishments, hide houses, or establishments for keeping or curing hides, establishments for making soap, for steaming or rendering lard, tallow, offal, and such other substances as may be rendered, and all establishments or places where any nauseous, offensive, or unwholesome business may be carried on.

Sec. 47. To regulate the burial of the dead, and to prohibit public funerals in case of death from any contagious or infectious disease; to purchase, establish, and regulate one or more cemeteries; to regulate the registration of marriages, births, and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, ministers, sextons, and others for any default in the premises.

Sec. 48. To abate and remove nuisances, to punish the authors thereof by penalties, fines, and imprisonment, and to define and declare what shall be nuisances and authorize and direct the summary abatement thereof.

Sec. 49. To require all owners of private ditches, drains, sinks, and privies to wall up, cover up, fill up, cleanse, drain, alter, relay, repair, fix, or improve the same as may be ordered by any resolution or ordinance of the city, and in the event of any failure, neglect, or refusal to comply with any such order the party so failing shall be liable to fine and imprisonment. In the event of

there being no person in the city on whom such order can be served, the city may have such work done and such improvements made on account of the owner thereof, and all costs, charges, and expenses shall be a lien on the property on the filing of a memorandum by the mayor under the seal of the city and recording the same with the clerk of the district court, and the city may enforce said lien and institute suit in the corporate name and obtain judgment against said party for the amount so due as aforesaid in any court having jurisdiction.

Sec. 50. To prevent any person from bringing, depositing, or having within the limits of the city any dead animal or other offensive or unwholesome substance or matter, and to require the removal or destruction by any person who shall have on his premises, or shall have placed or caused to be placed upon or near his premises or elsewhere in the city, any substance or matter, filth, or any putrid or unsound meat, fish, hides, or skins, fruit or vegetables, and in his default to authorize the removal or destruction thereof by some officer of the city; to require the owner of any dead animal to remove the same to such place as may be designated.

Sec. 51. To secure the sanitary condition of tenement houses, jails, prisons, and all public buildings within the city limits.

Sec. 52. To prevent the erection on the banks of streams or ditches of factories or other establishments which will befoul or make impure their waters.

Sec. 53. To regulate and control the construction, the location, the method, or manner of emptying or cleansing, and the time or frequency of cleansing of all cesspools or privy vaults, or other description of privies, and to prohibit cesspools or privy vaults within the city or any part thereof.

Sec. 54. To inspect all buildings and establishments used for educational or asylum purposes; to see that the inmates thereof are properly treated, and to regulate all institutions of whatever nature used as asylums, colleges, or boarding schools, and to require the managers thereof to make a report of the number of inmates, and sanitary condition of the same every month.

Sec. 55. To require any cellar, room, tenement, or building in the city limits occupied as a dwelling place which has become by reason of the number of occupants, want of cleanliness, or other cause, unfit for such purpose, and a cause of nuisance or sickness to the occupants or the public, to be put into proper condition as to cleanliness, or to require the occupants to quit the premises; to cause the premises to be properly cleaned at the expense of the owner, or to remove the occupants forcibly, and to close up the premises and not allow the same to be occupied again as a dwelling place without the consent of the board of health.

Sec. 56. To provide or cause to be provided the city with water; to make, regulate, and establish public wells, pumps, and cisterns, hydrants and reservoirs in the streets or elsewhere within the city or beyond the limits thereof for the extinguishment of fires and the convenience of the inhabitants; to prevent the unnecessary waste of water, and to make, establish, and regulate all irrigation ditches and have entire control of the same.

Sec. 57. To have the exclusive control and power over the streets, alleys, and public grounds and highways of the city, and to abate and remove encroachments thereon; to open, alter, widen, extend, establish, regulate, grade, clean, or otherwise improve said streets; to put drains or sewers therein, and to prevent the encumbering thereof in any manner, and to protect the same from any encroachment or injury; and to regulate and alter the grade in premises, and to require the filling up and raising of the same; to alter and establish the channels of any ditches or water courses within the limits of the

city when the health, safety, or convenience of the city may require such to be done, and to wall up or cover said ditches or canals: Provided, That the city shall not be liable in damages at the suit of any person for injuries, either to the person or the property, arising from the unsafe condition or want of repair of any street, square, alley, or sidewalk, unless at least ten days before the injury occurs a notice in writing shall have been filed with the city clerk specifically pointing out the nature and exact locality of the defect, obstruction, or other thing that afterwards occasions it.

Sec. 58. To establish, erect, construct, regulate, and keep in repair bridges, culverts and sewers, sidewalks, and crossways, and to regulate the construction and use of the same, and to abate and punish any obstruction or encroachment thereon.

Sec. 59. To provide for lighting the streets by gas, electricity, or otherwise, and for erecting lamp posts and lamps therein; to regulate the lighting thereof, and from time to time to create, alter, or extend lamp districts; and exclusively to regulate, direct, and control the laying and repairing of the gas pipes and gas fixtures in the streets, alleys, sidewalks, and elsewhere.

Sec. 60. To provide for enclosing, regulating, and improving all public grounds and cemeteries belonging to the city, and to direct and regulate the planting and preserving of ornaments and shade trees in the streets, alleys, sidewalks, or public grounds.

Sec. 61. To regulate the carrying of weapons and to prevent the carrying of the same concealed.

Sec. 62. To prevent the encumbering of the streets, alleys, sidewalks, and public grounds with carriages, wagons, carts, hacks, buggies, or any vehicles whatsoever, boxes, lumber, timber, firewood, posts, awnings, signs, or any other substance or material whatever or in any other manner whatever; to compel all persons to keep all weeds, filth, and any kind of rubbish from the sidewalks, streets, and gutters in front of the premises occupied by them; to require and compel the owners of property to fill up, grade, level, and otherwise improve the sidewalks in front and adjoining their property; and to inspect the construction of buildings, to cause unsafe buildings to be made safe or to be removed, and to prohibit the use of material deemed unsafe.

Sec. 63. To license and tax merchants, commission merchants, hotel and inn keepers, drinking houses or saloons, bar rooms, beer saloons, and all places or establishments where intoxicating or fermented liquors are sold; brokers, money brokers, real estate agents, insurance agents, insurance brokers, and auctioneers, and all other trades, professions, occupations, and callings, the taxing of which is not prohibited by the constitution of the state, which tax shall not be construed to be a tax on property.

Sec. 64. To license, tax, and regulate or to suppress and prevent hawkers, peddlers, pawnbrokers, and keepers of theatrical and other exhibitions, shows, and amusements.

Sec. 65. To license, tax, and regulate, or to prohibit circuses, the extortions of common showmen, and of shows of any kind and the exhibitions of natural or artificial curiosities, caravans, menageries, and musical exhibitions and performances.

Sec. 66. To license, tax, and regulate hackmen, draymen, omnibus drivers, and drivers of baggage wagons, porters, and all others pursuing like occupations with or without vehicles; to prescribe their compensation and to provide for their protection, and to make it a misdemeanor for any person to attempt to defraud them of any legal charge for services rendered, and to regulate, license, and restrain runners for railroads, stages, and public houses.

Sec. 67. To license, tax, and regulate billiard tables, pin alleys, and ball alleys, to suppress and restrain disorderly houses, tipping shops and groceries, gambling, and gaming houses, lotteries and all fraudulent devices and practices within the limits of the city.

Sec. 68. To authorize the proper officers of the city to grant and issue licenses and to direct the manner of issuing and registering thereof and the fees and charges to be paid therefor; but no license shall be issued for a longer period than one year, and shall not be assignable except by permission of the city council.

Sec. 69. To prohibit the selling or giving away indirectly, to evade a tax or penalty, of intoxicating or malt liquors by any person within the city; to forbid or punish the selling or giving away of any intoxicating or malt liquors to any minor, apprentice, or habitual drunkard.

Sec. 70. The city council shall have full power to prevent by ordinance the sale or giving away of any intoxicating liquors in any house or other place where theatrical or dramatic representations are given, and also to prevent intoxicating liquors of any description being brought into any house or place where such representations are given under any pretext whatever.

Sec. 71. To regulate the weight and quality of the bread to be sold or used within the city.

Sec. 72. To create, establish, and regulate the police of the city and to prescribe their duties, powers, and compensation.

Sec. 73. To suppress and prevent any riot, affray, noise, disturbance, or disorderly assembly in any public or private place within the city.

Sec. 74. To prevent, prohibit, and suppress horse racing or immoderate riding or driving on the streets; to prohibit and punish the abuse of animals, and to compel persons to fasten horses or other animals whether attached to vehicles or not while standing or remaining on the streets.

Sec. 75. To restrain and punish vagrants, mendicants, street beggars, and prostitutes.

Sec. 76. To establish and regulate public pounds, and to regulate, restrain, and prohibit the running at large of horses, mules, cattle, sheep, swine, and goats; to authorize the distraining, impounding, and sale of the same for the costs of the proceedings and the penalty incurred, and to order their destruction when they can not be sold; and to impose penalties on the owners thereof for a violation of any ordinance.

Sec. 77. To tax and regulate or to restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinances, and to impose penalties on the owners or keepers thereof for violations of such ordinances.

Sec. 78. To prohibit and restrain the firing of firecrackers, guns, and pistols, the use of velocipedes, or the use of any pyrotechnics, or any other amusements or practices tending to annoy persons passing in the streets or sidewalks or to frighten horses or teams; to restrain and prohibit the ringing of bells, blowing of horns or bugles, crying of goods and all other noises, practices, and performances tending to the collection of persons on the streets and sidewalks by auctioneers and others for the purpose of business, amusement, or otherwise.

Sec. 79. To erect and establish one or more work houses or houses of correction within or without the city limits, and to make all necessary rules and regulations thereof and to appoint all necessary keepers or assistants. In such work houses or houses of correction may be confined all vagrants, stragglers, idle, suspicious, and disorderly persons who may be committed by the recorder, and any person who shall fail or refuse to pay the fine, penalty,

or costs imposed for any misdemeanor or breach of any ordinance of the city may, instead of being committed to jail, be kept therein subject to labor and confinement.

Sec. 80. To compel and force all offenders against any ordinance of the city found guilty by the recorder and sentenced to fine and imprisonment to labor on the streets and alleys of the city or on any public work under such regulations as may by ordinance be established.

Sec. 81. To prevent all trespasses, breaches of the peace and good order, assaults and batteries, quarreling, using abusive, obscene, profane, and insulting language, misdemeanors, and all disorderly conduct, and to punish all persons thus offending; to define and suppress disorderly houses, and to make the keeping or frequenting thereof an offense.

Sec. 82. To prevent and punish the keeping of all houses wherein indecent, loud, or immodest dramatic or theatrical representations are given, or bawdy houses of prostitution or assignation within the city, and to adopt summary measures for the removal or suppression of all such establishments.

Sec. 83. To direct and control the laying and constructing of railroad tracks, turn outs, and switches, or to prohibit the same in the streets, avenues, and alleys, unless the same shall have been authorized by law, and the location of depots within the city; to require that railroad tracks, turn outs, and switches shall be so constructed as to interfere as little as possible with the ordinary travel and use of streets, avenues, and alleys, and that sufficient space shall be left on either side of said track for the safe and convenient passage of teams, carriages, and other vehicles and persons; to require railroad companies to keep in repair the streets, avenues, or alleys through which their trains may run, and if ordered by the city council to construct and keep in repair suitable crossings at the intersections of streets, avenues, and alleys, and to construct and keep in repair ditches, sewers and culverts when the city council shall deem it necessary; to direct the use and regulate the speed of locomotive engines in the city, or to prevent and prohibit the use or running of the same within the city: Provided, That the provisions of this section shall apply to railroads known as steam railroads, and not city, street, or horse railroads.

Sec. 84. The city council shall have power to assess and collect the municipal taxes upon city or horse railroads; to compel said city railroad companies to keep their roads in repair; to require that tracks, turn outs, and switches shall be so constructed as to interfere as little as possible with the ordinary travel and use of the streets, avenues, and alleys; to make them conform to the grades of the streets upon which their tracks may be laid whenever said streets shall have been graded by the city; to restrain the rate of speed so as not to exceed seven miles per hour; and to compel said city railroads to supply ample accommodation for the safe and convenient travel of the people on the streets where their tracks are run; and the city council may enforce these regulations by proper ordinances with suitable penalties for any violation of said ordinances.

Sec. 85. To prevent or to regulate and control the driving of cattle, horses, and all other animals into or through the city.

Sec. 86. The city council shall have power to pass, publish, amend, or appeal all ordinances, rules, and police regulations not contrary to the constitution of this state, for the good government, peace, and order of the city and the trade and commerce thereof, that may be necessary or proper to carry into effect the powers vested by this act in the city government or any department or officer thereof; to enforce the observance of all such rules, ordinances, and police regulations, and to punish violations thereof by fines, penalties,

and imprisonment in the prison, work house, or house of detention, or to work on the streets or other public works, in the discretion of the court before whom conviction may be had; but no fine or penalty shall exceed one hundred dollars nor the imprisonment fifteen days for any one offense, unless a larger fine and a longer period of imprisonment are herein allowed: Provided, That the city council by a vote of two-thirds of all the aldermen elected may make the violation of any city ordinance punishable by a fine of not more than five hundred dollars, or by imprisonment not to exceed thirty days, or by both such fine and imprisonment. For any fine, penalty, and costs imposed by the recorder in the trial of any cause or complaint before him, execution may issue to collect such fines and costs, to be levied and executed in the same manner that executions are from the district court. The same shall be issued by the recorder to the chief of police, who in levying on property and selling shall have like power and authority as the sheriff of the county in executions issued from the district court; and the laws of the state, as far as applicable, shall apply to and be in full force and effect as to the executions issued from the recorders court; and any person upon whom any fine or penalty is imposed may be committed until the payment of the same, with costs, and in default thereof may be imprisoned in the city prison or work house or house of correction, or may be required to work on the streets or other public works of the city for such time and in such manner as may be provided by ordinance: Provided, That such imprisonment or forced labor shall not exceed that imposed on persons who fail to pay the fines of like amount or penalty assessed by the county court.

Sec. 87. To pass all necessary ordinances to provide for funding or compromising the whole or any part of the existing debt of the city or any future debt: Provided, That unless herein otherwise specified such debt shall be funded or compromised in accordance with the general laws of the state in force at the time and applicable to cities.

Sec. 88. For the purpose of permanently improving the streets, erecting public buildings, constructing or acquiring canals for supplying the city with water, providing water works and other permanent public improvements, the city council shall have power to borrow money upon the credit of the city, and to issue coupon bonds of the city therefor in such sum or sums as it may deem expedient, to bear interest not exceeding eight per cent per annum, payable semi-annually at such place as may be fixed by city ordinance: Provided, That the aggregate amount of bonds issued by the city council and outstanding and unredeemed shall at no time exceed six per cent of the value of the property within the city subject to ad valorem tax.

Sec. 89. No bonds shall be issued unless the same shall have been ordered by the city council at the regular meeting thereof by a two-thirds majority of all the members elected; nor then until the action of the city council has been ratified by a majority of the ad valorem tax payers of the city at an election held for the purpose of determining whether or no such bonds shall be issued. All bonds shall specify for what purpose they were issued, and shall not be sold for less than their par value; and when any bonds are issued by the city a fund shall be created to pay the interest and create a sinking fund to redeem the bonds, which fund shall not be diverted nor drawn upon for any other purpose, and the city treasurer shall honor no drafts on said fund except to pay interest upon or redeem the bond for which it was provided.

Sec. 90. Said bonds shall be signed by the mayor and countersigned by the clerk, and shall be payable at such places and at such times as may be fixed by ordinance of the city council, not less than five nor more than fifty years.



Sec. 91. It shall be the duty of the mayor whenever any bond or bonds are issued to forward the same to the comptroller of public accounts of the state, whose duty it shall be to register said bond or bonds in a book kept for that purpose, and to indorse on each bond so registered his certificate of registration, and to give at the request of the mayor his certificate certifying to the amount of bonds so registered at his office up to date.

Sec. 92. It shall be the duty of the mayor at the time of forwarding any of said bonds for registration to furnish the comptroller with a statement of the value of all taxable property, real and personal, in the city; also with a statement of the amount of tax levied for the payment of interest and to create a sinking fund. It is hereby made the duty of the comptroller to see that a tax is levied and collected by the city sufficient to pay the interest semi-annually on all bonds issued, and to create a sinking fund sufficient to pay the said bonds at maturity, and that said sinking fund is invested in good interest-bearing securities.

Sec. 93. The city council shall have power by ordinance annually to levy and collect taxes on the assessed value of all property, real and personal, in the city not exempt from taxation by the constitution and laws of the state to the amount and for the purpose specified hereinafter, as follows, to-wit: First—Taxes not exceeding one per cent of the assessed value of such property for the purpose of defraying the current municipal expenses and to pay debts heretofore contracted. Secondly—Taxes not exceeding one-half of one per cent of the value of such property to construct or acquire water works, gas works, canals, public grounds or buildings, and to improve the streets and to make other permanent and public improvements. Thirdly—Taxes not exceeding one-half of one per cent of the assessed value of such property to maintain the public free schools: Provided, That no tax shall ever be levied except with the consent of two-thirds of all the aldermen elected at the regular meeting of the city council.

Sec. 94. No debt shall ever be created by the city unless at the same time provision be made to assess and collect annually a sufficient sum to pay the interest thereon and to create a sinking fund of at least two per cent thereon.

Sec. 95. The city council shall have power to levy and collect an annual poll tax not to exceed one dollar from every male inhabitant of the city over the age of twenty-one years, who is a resident thereof at the time of such annual assessment and not exempt by law therefrom.

Sec. 96. The city council shall have power to levy and collect occupation taxes from all persons pursuing any occupation taxed by the state: Provided, That in no case shall any occupation tax exceed one-half of that collected by the state from the same occupation.

Sec. 97. The occupation tax shall be collected by the assessor and collector, and shall be paid to that officer by each and every person and firm owing such tax and before engaging in any trade, profession, business, calling, vocation, or occupation subject to said tax, and if any person shall engage in any business, calling, vocation, or occupation which by an ordinance of the city is subject to an occupation tax without first having paid said tax, he, she, or they shall on conviction before the recorders court be liable to imprisonment or a fine of ten dollars or both such fine and imprisonment for each day such violation of said ordinance may continue, and this article shall apply to all persons owing such tax and failing to pay the same: Provided, That the city council may collect said occupation tax by suit in any court having jurisdiction under such rules and regulations as it may provide by ordinance, and said tax shall not be construed to be a tax on property.

The council may require all persons paying occupation taxes to take out licenses, which shall be receipts therefor.

Sec. 98. The term real estate or property, as used in this act, shall be construed to include lots, lands, and all buildings or machinery and structures of every kind erected upon and affixed to the same.

Sec. 99. The term personal estate or property, as used in this act, shall be construed to include all household furniture, moneys, goods, capital, chattels, public stocks and stocks of corporations, moneyed or otherwise, and generally all property which is not real.

#### COLLECTION OF TAXES.

Sec. 100. The city council shall have full power to provide by ordinance for the prompt collection of all taxes assessed, levied, and imposed under this act and due or becoming due to said city; and is hereby authorized and to that end may and shall have full power and authority to sell or cause to be sold real as well as personal property, and may and shall make all such rules and regulations and ordain and pass all such ordinances as they may deem necessary to the levying, laying, imposing, assessing, and collecting of any of the taxes herein provided.

Sec. 101. The city council shall have power by ordinance to regulate the manner and mode of making out tax lists or inventories and appraisement of property therein; to prescribe the oath that shall be administered to each person on such rendition of property, and to prescribe how and when property shall thus be rendered; to prescribe the number and form of assessment rolls; and to fix the duties and define the powers of the assessor and collector; and to adopt such measures as it may deem advisable to secure the assessment of all property within the limits of the city, and to collect the tax thereon; and the council may by ordinance provide that any person, firm, or corporation having property subject to taxation or being liable for any tax under the provisions of this act, and neglecting to render a list, inventory, and appraisement thereof, as required by ordinance of said city, shall be liable to fine and imprisonment.

Sec. 102. Every person, partnership, and corporation owning any property within the limits of the city, shall within two months after published notice hand to the assessor and collector of the city a full and complete inventory of the property possessed or controlled by him, her, or them within said limits not exempt from taxation, on the first day of March of the current year, verified as required by ordinance; and any person failing or refusing to comply with the provisions of this section shall be liable to fine and imprisonment; and the city council shall by ordinance clearly define the duties of tax payers herein, and make all necessary rules and regulations to secure the rendition of property and the collection of taxes due thereon.

Sec. 103. Except where herein otherwise provided, taxes shall be assessed and collected as may be in the same manner that the state and county taxes are or may hereafter be assessed and collected; and the city shall have all the powers and remedies to secure and enforce the payment of taxes that are now or may hereafter be in existence to secure and enforce the payment of state and county taxes. Except where herein otherwise provided, the assessor and collector shall as nearly as may be be governed in the discharge of his duties by the laws, rules, and regulations that now or may hereafter apply to and govern the assessors and the collectors of state and county taxes in discharge of their duties as such; and shall have and exercise as nearly as

may be the same powers as are now or may hereafter be conferred on the assessors and collectors of state and county taxes.

Sec. 104. The city council shall be a board of equalization, and three aldermen and the mayor or any five aldermen without mayor, shall constitute a quorum of said board.

Sec. 105. The board of equalization shall convene annually at the time fixed by the city council to receive all the assessment lists or books of the assessor of the city for examination, correction, equalization, appraisement and approval, and at all meetings of said board the city clerk shall act as secretary thereof.

Sec. 106. The board of equalization shall cause the assessor to bring before it at the time fixed for the convening of said board all the assessment lists or books of the assessor of the city for its examination, that it may see if each and every person has rendered his property at a fair market value; and said board shall have power to send for persons and papers, to swear and qualify persons who testify, to ascertain the value of such property; and if they are satisfied it is too high they shall lower it to its proper value, and if too low they shall raise the value of such property to a proper figure. Said board shall also have power to correct any errors that may appear on the assessor's lists or books.

Sec. 107. The board of equalization shall equalize as nearly as possible the value of all the improved lots within the corporate limits of the city, having reference to the size and location of said lots and the improvements thereon, and shall equalize the value of unimproved lots as nearly as possible, having reference to the size and location thereof; and all other property of the same kind shall be made as nearly equal as possible. Any person may file with said board, at any time before the final action of said board, a complaint as to the assessment of his or any other person's property, and said board shall hear said complaint, and said complainant shall have the right to have witnesses summoned in sustaining said complaint, as to the insurance on said property, or the rents and profits it may bring the holder thereof.

Sec. 108. The city assessor, at the same time that he delivers to said board his lists and books as provided in section 106 of this act, shall also furnish said board a certified list of the names of all persons who refuse either to swear or qualify or to sign the oath or affirmation as required by law, together with a list of the property of such persons situated within the corporate limits of the city as made by him through other information; and said board shall examine said lists and appraise the property so listed by the assessor.

Sec. 109. In all cases where the board of equalization shall find it their duty to raise the value of any property appearing on the lists or books of the assessor they shall, after having fully examined such lists or books and corrected all errors appearing therein, adjourn to a day not less than ten nor more than thirty days from the day of adjournment, such day to be fixed in the order of adjournment, and shall cause the secretary of said board to give written notice to the owner of such property or to the person rendering the same of the time to which the board may have adjourned, and such owner or person rendering said property may at that time appear and show cause why the value of said property should not be raised, which notice may be served by depositing the same, properly addressed and postage paid, in the city postoffice.

Sec. 110. The board of equalization shall meet at the time specified in said order of adjournment and shall hear all persons the value of whose

property has been raised, and if said board is satisfied it has raised the value of such property too high it shall lower the same to its proper value.

Sec. 111. The board of equalization after it has finally examined and equalized the value of all property on the assessor's lists or books, shall approve said lists or books and return them together with the lists mentioned in section 108 of this act, that he may make up therefrom his general rolls as required by law; and when said general rolls are so made up the board shall meet again to examine said rolls and approve the same if found correct.

Sec. 112. The action of said board at the meeting provided for in section 111 of this act shall be final and shall not be subject to revision by said board or by any tribunal thereafter.

Sec. 113. Before the board shall enter upon its duties the members thereof shall be sworn by any officer authorized by law to administer oaths faithfully and impartially to discharge all duties incumbent upon them as such board.

#### FIRE DEPARTMENT.

Sec. 114. The city council, for the purpose of providing against the calamities of fire may prohibit the erection, building, placing, moving, or repairing of wooden buildings within such limits of the city as it may designate and prescribe; and may within said limits prohibit the moving or putting up of any wooden buildings from without said limits; and may also prohibit the removal of any wooden building from one place to another within said limits; and may direct, require, and prescribe that all buildings within the limits so designated and prescribed as aforesaid shall be made or constructed of fire proof materials; and to prohibit the building or repairing of wooden buildings within the fire limits when the same shall have been damaged to the extent of fifty per cent of the value thereof, and may prescribe the manner of ascertaining such damage; and may declare all dilapidated buildings nuisances and direct the same to be repaired, removed, or abated in such a manner as it shall prescribe and direct; and may declare all wooden buildings in the fire limits which it deems dangerous to contiguous buildings or in causing or promoting fires to be nuisances and require and cause the same to be removed in such manner as they shall prescribe.

Sec. 115. The city council shall have power to prevent and prohibit the dangerous condition of chimneys, flues, fire places, stove pipes, ovens, or any other apparatus used in or about any building or manufactory, and to cause the same to be removed or placed in a secure and safe condition when considered dangerous.

Sec. 116. To prevent the deposit of ashes in places where they would be liable to produce fire or in any wooden box or barrel or within any wooden building, and to appoint one or more officers to enter all buildings and inclosures to examine and discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in a safe condition.

Sec. 117. To require the inhabitants to keep and provide as many fire buckets and ladders or other means to reach the roof as it shall prescribe, and to regulate the use thereof in times of fire.

Sec. 118. To regulate and prevent the carrying on of manufactories and works dangerous in promoting or causing fires; to prohibit or regulate the building and erection of cotton presses and sheds.

Sec. 119. To direct, regulate, or prohibit the keeping or storing within the city limits of gunpowder or any other explosive or dangerous materials, and to regulate the conveying of the same.

Sec. 120. To regulate and prescribe the manner and to order the building of parapet and party walls.

Sec. 121. To compel the owners or occupants of houses or other buildings to have scuttles in their roofs and stairs or ladders leading to the same.

Sec. 122. To authorize the mayor, officers of fire companies, or any other officers of the city, to keep away from the vicinity of any fire all idle, disorderly, and suspicious persons, and to arrest and imprison the same, and to compel all officers of the city and all other persons to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat and in preventing goods from being stolen.

Sec. 123. And generally to establish such regulations for the prevention and extinguishment of fires as the city council may deem expedient.

Sec. 124. The city council shall have power to organize and maintain a fire department: Provided, That all volunteer fire companies shall elect their own officers, subject to the approval of the city council.

Sec. 125. When any building in the city is on fire it shall be lawful for the mayor or the chief or acting chief of the fire department to direct such building, or any other buildings which he may deem hazardous and likely to take fire and communicate to other buildings, to be torn down or blown up or destroyed, and no action shall be maintained against any person or against the city therefor; but any person interested in any building so destroyed or injured may within six months and not thereafter apply in writing to the city council to assess and pay the damage he has sustained; and if the city council and the claimant can not agree on the terms of adjustment then the application of such claimant shall be referred to three commissioners, one to be appointed by the claimant, one by the city council, and the third by both; they shall be sworn faithfully to execute their duty according to the best of their ability, shall have power to subpoena and swear witnesses, and shall give all parties a fair and impartial hearing, and shall give notice of time and place of meeting; said commissioners shall be qualified voters and owners of real estate in the city, shall take into account the probabilities whether the said building would have been destroyed by fire if it had not been so pulled down or destroyed, and the loss of insurance upon said property, if any, caused by pulling down, blowing up, or destroying said building, and may report that no damage should equitably be allowed such claimant.

Sec. 126. When a report shall be made and finally confirmed for the appraising of said damages a compliance with the terms thereof by the city council shall be deemed a full satisfaction of said damages.

#### SANITARY REGULATIONS.

Sec. 127. There shall be created a board of health, which shall consist of six citizens from the city at large, all of whom shall be taxable inhabitants of the city, one of whom shall be a practicing physician and one a lawyer. Four members of the board shall constitute a quorum. They shall be appointed by the mayor with the approval of a majority of the city council at their first annual meeting or as soon thereafter as practicable at a regular meeting. Two shall be appointed for three years, two for two years, and two for one year; and annually thereafter the mayor with like approval shall appoint two members of said board for the term of three years, and all vacancies shall be filled in like manner for the unexpired terms. And they shall be subject to suspension and removal as in cases of other officers of the city.

Sec. 128. The board of health shall have general supervision over the

public health of the city, and for that purpose it is authorized and empowered to make such rules and regulations, not to conflict with the ordinances of the city or the laws of the state, as it may deem best to promote and preserve the health of the city; to enforce the observance of its rules and regulations and the laws and ordinances of the city in relation thereto; to appoint such officers and employees as may be necessary for the execution of its orders, and to define their duties, as the city council may by ordinance permit and to be provided for hereafter by ordinance; to enter into or authorize and require any employee to enter into and examine in the day time all buildings, lots, and places of every description within the city, and to ascertain and report to it the condition thereof so far as the public health may be affected thereby. The board of health shall have power: To determine, regulate, and order, as to the materials, plans, and mode of construction, alteration, repair, location, removal, cleansing, disinfecting, or filling of all sinks, or earth closets, and other descriptions of privies within the city; to regulate and control the public sewers, and the mode of connection of house drainage and plumbing with public sewers, and to compel owners of buildings to connect the same with the public sewers, where a public sewer abuts the estate to be drained or is within one hundred feet thereof; to declare and abate nuisances prejudicial to the public health, and in such manner as may be provided by ordinance, and to adopt such measures and issue such orders for the cleansing or purifying of any place or places, or abate or removal of any nuisance, as it may deem proper or necessary; to provide for and enforce the registration of all marriages, births, and deaths occurring within the city. It shall have charge of all city hospitals and make all necessary rules for the government of the same. The board of health shall have power to take such measures as it may deem effectual to prevent the entrance or spread of any pestilential, contagious, or infectious diseases into the city; to stop, detain, and examine for that purpose any person or persons coming from any place infected or believed to be infected with such disease; to establish, maintain, and regulate pest houses or hospitals for such diseases at some place within the city or not exceeding five miles beyond its bounds; at its discretion to cause any person infected with any such disease to be sent to such pest house or hospitals; to enforce vaccination; to remove from the city or cause to be destroyed any furniture, wearing apparel, or property of any kind which shall be suspected of being tainted or infected with pestilence, or which shall be likely to pass into such a state as to generate or propagate disease; to require the isolation of all persons and things infected with or exposed to contagious or infectious disease; to prohibit and prevent all intercourse and communication with or use of infected premises, places or things, and to require and if necessary to provide the means for the thorough disinfecting and cleansing of the same before general intercourse therewith shall be allowed.

Sec. 129. The owner, driver, conductor, or person in charge of any stage, railroad car, or public conveyance, which shall enter the city knowingly having on board any person sick of a malignant or pestilential, contagious or infectious disease, unless such person became sick on the way and could not be left, shall be deemed guilty of a misdemeanor, punishable by fine and imprisonment or either. Such owner, driver, conductor, or person in charge, shall within three hours after the arrival of such sick person report in writing the facts, with the name of such person and the locality or house where he was put down, to the health physician; and every neglect to comply with these provisions shall be a misdemeanor, punishable with fine and imprisonment or either. Any person who shall knowingly bring or cause to be brought into the city any person or property of any kind tainted or infected

with malignant fever or pestilential or infectious disease shall be deemed guilty of a misdemeanor, and punishable by fine or imprisonment or either.

Sec. 130. Every keeper of any inn, hotel, tavern, or boarding or lodging house in the city, who shall have in his house any sick guest, traveler, or other person, shall report the fact and the name of the person in writing, within six hours after he came to the house or was taken sick therein, to the health physician. Every physician in the city shall report under his hand to the health physician the name and residence or whereabouts and disease of every person whom he shall have sick of any malignant or infectious or pestilential disease within six hours after he shall have visited such patient and determined or suspected the presence of such disease. A violation of either of the provisions of this section or any part of either of them shall be a misdemeanor, punishable by fine and imprisonment or either: Provided, That no fine under the articles of this section shall in any case be less than ten dollars nor more than five hundred dollars; nor shall imprisonment be for a less period than five days nor more than three months.

Sec. 131. The board of health shall appoint a health physician not a member of said board for the city, who shall also be ex officio secretary of the board, whose general duties shall be defined by the board; also such medical staff for the city hospitals as the city council may by ordinance permit, and select all other subordinate officers for the city hospitals as shall be provided by ordinance; their salaries to be fixed in all cases by the city council.

Sec. 132. In order to effect the abatement of nuisances or accumulated filth, the board of health shall have power, whenever in its opinion such nuisance or filth exists and is or is likely to become detrimental to the public health, after officially so declared by them, to notify in writing through its officers the owner, agent, lessee, or tenants thereof to abate the same, either by filling up, draining, cleansing, purifying, or removing the same as the case may be. If the owner who shall have been served with such notice shall fail within the time indicated in such notice to comply with such order of the board, or fail to show good cause to said board why he can not or ought not to comply with such order, for which purpose he shall be entitled to be heard before said board if he so requests it, he shall be deemed guilty of a misdemeanor and on conviction shall be fined not less than ten dollars nor more than two hundred dollars, with an additional fine of not less than five dollars nor more than fifty dollars imposed for each and every day that the person or persons thus convicted shall after conviction and due notice thereof fail or refuse to abate or use due diligence in the work of abating such nuisance; and if such service can not be made for the reason that the owner, agent, lessee, or tenant of the property upon which the nuisance may exist can not be found in the city, of which fact the return upon the notice of the officer serving the same shall be conclusive evidence, then the board shall cause such notice to be published, in the newspaper doing the city printing, for five consecutive days (Sundays excepted), and if within five days after such service of such notice or after its publication as aforesaid such nuisance shall not be abated, or the order observed by the owner, then the board of health may order the same to be done; the said work to be executed under the supervision of the street superintendent or such other person charged with like city work and as hereinafter directed, and the cost and manner of execution of the same when fully completed to be ascertained by the city engineer under the direction of the board of health, and the amount thereof shall be assessed as a special tax against the property so improved or upon which such work has been done in the name of the owner thereof, and the collection of said

amount shall be enforced in accordance with the ordinances of the city; and on filing with the county clerk of El Paso county a statement by the mayor of such expense shall have a first privileged lien on said property to secure said expenditure and twelve per cent interest thereon. For any such expenditure and interest as aforesaid suit may be instituted and recovery had in the name of the city in any court having jurisdiction, and the statement so made as aforesaid or a certified copy thereof shall be full and satisfactory evidence of the amount expended in such improvement.

Sec. 133. Whenever it shall come to the knowledge of the board of health that any malignant, infectious, or contagious disease or epidemic is prevalent in the city or will probably become so, the president of the board having made public announcement of such fact, after the announcement the board of health shall have power by order to take all steps and use all measures necessary to avoid, suppress, or mitigate such disease; and to provide for such emergency it may employ such officers, agents, servants, and assistants as the city council may by resolution or ordinance permit; and may establish temporary hospitals, provide the necessary furniture, medical attendance, and nurses as in the opinion of said board may be necessary and advisable and as may be permitted by ordinance or resolution of the city council. The board shall have and exercise such extraordinary powers until the epidemic or diseases in view of which the said public announcement was made is no longer imminent or prevalent, whereupon the said powers shall cease.

Sec. 134. Said board shall keep a record of its proceedings; shall file all petitions, documents, and papers belonging to its office, and shall keep a correct account in full of all its receipts and expenditures, and shall make rules and regulations for the government of the board and for the transaction of its business. Copies of records, documents, rules, and regulations, when authenticated by its secretary, shall be presumptive evidence in any court of justice of the facts therein contained: Provided, such rules and regulations are not inconsistent with the charter or ordinances. The archives and all papers pertaining to the sanitary department shall at all times be open to inspection of the mayor or a committee of the city council, and monthly or quarterly reports of all the operations, receipts, and expenditures shall be made by the board of health to the city council.

Sec. 135. The powers, authority, and jurisdiction of the board of health shall be and the same are hereby extended over and throughout the district of country outside the city of El Paso to the extent of five miles from its corporate limits in any direction from said corporate limits within the state of Texas. When the annual appropriation of funds for current expenses of the city is made by the city council, as provided in this act, such an amount as may be necessary for sanitary purposes, together with such fines and penalties as may accrue under the provisions of this act, shall be set aside as a special fund, to be known as the sanitary fund, in the hands of the city treasurer, and shall only be subject to be drawn out on requisition of the board of health for sanitary purposes: Provided, That all claims and accounts of the said board of health shall be duly audited in the same manner as other claims and accounts against the city.

#### **STREETS AND ALLEYS.**

Sec. 136. The city council shall have power to establish by ordinance the grade of any street, alley, avenue, or lane within the city, and when the grade of such street, alley, avenue, or lane shall have been so established,



the grading completed and accepted by the city council, such grade shall not be changed except by a vote of two-thirds of the city council, and not then until just compensation shall have been made by the city council to the owners of property which may be damaged by said change of grade; and if the amount of such compensation can not be agreed upon by the city council and the owner or owners of such property, then the city council shall proceed to have the damages assessed and determined in the manner provided in section 148 of this act, and the commissioners appointed to assess the damages shall take into consideration the benefit, if any, to such property by the proposed change of grade.

Sec. 137. The city council shall have power to extend, vacate, open, widen, grade, pave, macadamize, or otherwise improve and keep in repair in any manner that they may deem proper any street, sidewalk, alley, avenue, or lane within the limits of the city, and to defray the cost and expense of such improvements or any of them. The council shall have power to levy and collect special taxes upon the lots and pieces of ground adjacent to or abutting upon the street, sidewalk, alley, avenue, or lane thus opened, widened, extended, or improved or to be improved as aforesaid.

Sec. 138. Such taxes shall be levied on all the lots and pieces of ground to the center of the block fronting on or adjacent to the improvement made and extended along the street or streets, sidewalks, alleys, avenues, or lanes for the distance improved or extended as aforesaid.

Sec. 139. The council shall also have power to provide for keeping clean and free from all obstructions and accumulations and may provide for the assessment and collection of taxes on unoccupied real estate and for the sale and conveyance thereof to pay the expenses of keeping the sidewalks adjacent to such real estate clean and free from obstructions and accumulations as herein provided.

Sec. 140. When the city council shall deem it necessary to open, widen, extend, pave, macadamize, bridge, curb, gutter, or otherwise improve any street, alley, avenue, or lane, or to construct any sidewalks or crossings, either where a sidewalk is already built or where it may be declared necessary to construct a sidewalk with or without crossings within the limits of the city, for which a special tax is to be levied as herein provided, the council shall by resolution declare such work or improvement necessary to be done, and such resolution shall be published once each week for four consecutive weeks in a newspaper doing the official printing for the city, and if a majority of the persons owning such property reside in the city (except persons claiming an interest in such property by reason of tax titles), and whose property is liable to be taxed for such work or improvement shall not within twenty days thereafter file with the city clerk their protest against such improvement, then the city council shall have power to cause such improvement to be made and to contract therefor and to levy and collect the taxes as herein provided: Provided, That no resolution for the same improvement shall again be passed by the council within six months after such protest shall have been filed: And provided further, That when the city council shall have declared it necessary by resolution as herein provided to construct a sidewalk and crossings along any street, alley, avenue, or lane in the city for which a special tax is to be levied as herein provided, and no sufficient protest against said sidewalks and crossings as herein provided shall have been filed with the city clerk, the city council shall cause the city engineer to advertise for proposals for doing said work, and at any time prior to the contract being signed for doing said work the owner or agent for any portion of the property liable to be taxed for said improvements may construct the sidewalks, under the di-

rections of the city engineer and to his entire satisfaction and approval, along or in front of such portion of property liable to be taxed as aforesaid; and it shall be the duty of the city engineer in calculating the amount of tax to be levied for said improvement to credit the statement which he files with the city clerk showing the amount of tax due upon each block, lot, or piece of ground as hereinafter provided, with the amount of sidewalk so constructed by said owner or agent as aforesaid, but the construction of said sidewalk by said owner or agent as aforesaid, shall not exempt such lot or lots or pieces of ground from being liable for their proportion of the tax so levied for the construction of the cross walks and intersections across the cross streets between the points named in the original resolution declaring it necessary to construct said sidewalk and crossings.

Sec. 141. Such taxes shall be due and may be collected as the improvements are completed in front of or along or upon any block or piece of ground, or at the time the improvement is completed, according as shall be provided in the ordinance levying the tax. Such tax, if not paid within thirty days after becoming due, shall have added thereto a penalty of ten per cent and shall bear interest from the day of sale at the rate of twenty-five per cent per annum, to be computed on the tax, penalty, and costs of sale.

Sec. 142. The costs and expenses of grading, filling, paving, macadamizing, culverting, curbing, and guttering or otherwise improving streets, sidewalks, alleys, avenues, or lanes, at their intersections, may be included in the special tax levied for the improvement of any one street, sidewalk, alley, avenue, or lane as may be deemed just by the council.

Sec. 143. When the special tax is levied it shall be the duty of the engineer of the city to calculate the amount of tax on every block or piece of ground and file a statement thereof with the city clerk, who shall as soon as the tax is due on any block or piece of ground issue a certificate describing it by its number and block and stating the amount of tax due thereon and the name of the person entitled to the same and the purposes for which said tax was levied; and such certificate so given shall be the tax warrant of the contractor, and shall be by the city clerk placed in the hands of the city treasurer, who shall give notice through the official paper of the city, at the cost of the contractor, when the penalty will accrue, and the treasurer shall keep a record of all such warrants and enter in the margin of such record all amounts paid and by whom paid.

Sec. 144. It shall be sufficient in any case to describe the lot or piece of ground as the same is platted and recorded, although the same may belong to several persons; but in case any lot or piece of ground may belong to different persons the owner of any part thereof may pay his proportion of the tax on such lot or piece of ground and his proper share may be determined by the city treasurer.

Sec. 145. The city council shall have power to provide for the sale and conveyance of any lot or piece of ground for nonpayment of such special taxes and the deeds given to convey the same may be recorded in the office of the register of deeds as other conveyances; the conveyance shall be to the person owning the certificate of sale at the time such conveyance is given: Provided, That any lot or piece of ground may be redeemed within two years after the day of sale or at any time thereafter until the tax deed is issued, by paying to the city treasurer the tax, penalty, costs, and interest at the rate of twenty-five per cent per annum. Lots of land belonging to minors or any interest they may have in any lands sold for special taxes may be redeemed in the same manner at any time before such minor becomes of age and during one year thereafter.

Sec. 146. When any improvement mentioned in this act is completed according to contract, it shall be the duty of the city engineer to inspect the same carefully, and if the improvement is found to be properly done the engineer shall accept the same and forthwith report the acceptance of the same to the city council, which may confirm or reject such acceptance. When the ordinance levying the tax makes the same due as the improvement is completed in front of or along any block or piece of ground, then the engineer may accept the same in sections from time to time if found to be done according to contract, always reporting his acceptance to the city council for confirmation or rejection.

Sec. 147. Special taxes shall be a lien on the lots and pieces of ground subject to the same from the time the amount thereof shall have been ascertained, and in case any error or irregularity should occur in levying or collecting any such special tax proceedings may be taken anew so as to obviate any such error or irregularity.

Sec. 148. Whenever the city council shall deem it necessary to take any private property in order to open, change, or widen any public street, avenue, or alley, or for the construction of water mains or sewers, or for any other municipal purpose within or without the limits of the city, such property may be taken for such purpose by making just compensation to the owner thereof. If the amount of such compensation can not be agreed upon by the city council and the owner or owners of such property it shall be the duty of the city council to cause to be stated in writing the real estate or property sought to be taken, the name of the owner thereof, and his residence if known, and file such statement with the county judge of El Paso County. Upon the filing of such statement it shall be the duty of said judge in term time or vacation to appoint three disinterested freeholders and qualified voters of the county as special commissioners to assess the damages to accrue to the owner by reason of such proposed condemnation. The commissioners so appointed shall in their proceedings be governed and controlled by the laws in force in reference to the condemnation of right of way for railroad companies and the assessment of damages therefor, the city occupying the position of the railroad company; and all laws in reference to applications for the condemnation of right of way for railroad companies, including the measure of damages, the right of appeal and the like, shall apply to an application by the city under this act for the condemnation of property for the purpose of opening, changing, or widening streets, avenues, or alleys, or for the construction of water mains or sewers, or for any other municipal purpose, the city to occupy the position of the railroad company.

#### MISCELLANEOUS PROVISIONS.

Sec. 149. Whenever in the opinion of the city council any building, fence shed, awning, or any erection of any kind or any part thereof is liable to fall down and endanger persons or property, the council may order any owner or agent of the same, or any owner or occupant of the premises on which such building, shed, awning, or other erection stands or to which it is attached, to take down and remove the same or any part thereof within such time as the city council may direct, and to punish by fine and imprisonment or either any neglect, failure, or refusal to comply therewith. The city council shall in addition have the power to remove the same at the expense of the city on account of the owner of the property or premises and assess the expenses on the land on which it stood or to which it was attached, and shall by

ordinance provide for such assessment, the mode and manner of giving notice, and the means of recovering such expenses.

Sec. 150. Writs issued by the recorder of the city for offenses against the laws may be executed and the accused persons arrested by the chief of police or any police officer or by the sheriff or any constable of El Paso County anywhere in El Paso County.

Sec. 151. Whenever any person shall have been required by the recorder to give peace bond or a bond for good behavior or any similar bond under this act, and shall have complied with such orders and afterwards been guilty of a violation or infraction of such bond, and the same is proved or established to the satisfaction of the recorder in any trial or complaint, such party so offending may be fined in the sum of two hundred dollars and imprisonment for two months, and the city in its corporate name may sue in any court having jurisdiction for the recovery of the penalty of such bond.

Sec. 152. In all cases where by any provision of this act or by ordinance passed in pursuance thereof a person is required to obtain a license for any calling, occupation, business, or vocation, and has on complaint before the recorder been adjudged guilty of violation of any rule, regulation, or city ordinance of the city council in relation thereto, the recorder in addition to fine and imprisonment or either may suspend or revoke the license so granted.

Sec. 153. The city council shall as soon as may be after the commencement of each municipal year contract, as it may by ordinance or resolution determine, with a public newspaper of the city as the official paper thereof, and to continue as such until another is elected, and shall cause to be published therein all ordinances, notes, and other matters required by this act or by the ordinances of the city to be published.

Sec. 154. The city council shall at least ten days before the expiration of each municipal year cause to be published in a city newspaper a correct and full statement of the receipts and expenditures from the date of the last annual report, together with the sources from which the funds were derived, and showing for what purpose disbursed and the condition of the treasury, together with such information as may be necessary to a full understanding of the financial condition of the city.

Sec. 155. Every ordinance imposing any penalty, fine, imprisonment, or forfeiture for violation of its provisions, shall after the passage thereof be published in every issue of the official paper for ten days, and the proof of such publication by the printer or publisher of such newspaper, taken before any officer authorized to administer oaths and filed with the city clerk, or any other competent proof of such publication, shall be conclusive evidence in all courts of the publication and promulgation of such ordinances. Ordinances passed by the city council and requiring publication shall take effect and be in force from and after the publication thereof unless it be therein otherwise expressly provided: Provided, That all ordinances and resolutions of the city council appearing on the minutes thereof shall be presumed to have been published and promulgated as herein required unless the contrary shall be shown.

Sec. 156. All ordinances of the city where printed and published by authority of the city council shall be admitted and received in all courts and places without further proof.

Sec. 157. The style of all ordinances shall be substantially, "Be it ordained by the city council of the city of El Paso," but it may be omitted when published in the form of a book or pamphlet.

Sec. 158. All ordinances, regulations, or resolutions in force in the city of El Paso and not in conflict with this act shall remain in force under this

act until altered, amended, or repealed by the city council; and all officers of the city in office at the time of the taking effect of this act shall remain in office till the election or appointment and qualification of their successors, as herein provided.

Sec. 159. All fines, forfeitures, and penalties for breach or violations of this act, or of any regulation, order, or ordinance of the city council, shall when collected be paid into the city treasury for the use and benefit of the city.

Sec. 160. Resignation by any officer authorized to be elected or appointed by this act shall be made to the city council in writing, subject to its approval and acceptance: Provided, That nothing in this article shall apply to appointments by the mayor. Any appointee by the mayor wishing to resign shall present his resignation to the mayor in writing for his action.

Sec. 161. The city council shall have power to remove any officer for incompetency, for corruption, misconduct, or malfeasance in office after he shall have been given due notice and an opportunity to be heard in his defense. In addition to the foregoing power of removal, the city council shall have power at any time to remove any officer of the corporation elected by it by resolution declaratory of its want of confidence in such officer, provided that two-thirds of all the aldermen elected vote in favor of such resolution.

Sec. 162. Whenever any person shall be removed from any office, or the term for which he elected or appointed has expired, or he has resigned or has ceased to act in his official capacity, he shall deliver over to his successor all books, papers, and effects in any way appertaining to his office. Every person violating this provision shall be guilty of a misdemeanor and shall be deemed an offender within the meaning of any law of the state punishing such offenses, and in addition thereto he shall on conviction before the recorder be fined in a sum not exceeding five hundred dollars and imprisonment for any time not exceeding six months or either. Any officer who shall have been intrusted with the collection or custody of funds belonging to the city and who shall be in default to the city, besides being liable to a criminal prosecution and a civil action for debt, shall thereafter be incapable of holding any office under the city until the amount of his defalcation shall have been fully paid to the city with twelve per cent interest.

Sec. 163. No member of the city council shall hold any other employment or office under the city government while he is a member of the council unless herein otherwise provided, and no member of the city council or any officer of the corporation shall be directly or indirectly interested in any work, business, or contract, the expense, price, or consideration of which is paid from the city treasury or by an assessment levied by ordinance or resolution of the city council, nor be the surety of any person having a contract, work, or business with the city for the performance of which security may be required, nor be the surety on the official bond of any officer of the city.

Sec. 164. Each alderman shall be fined five dollars for each meeting of the city council which he fails to attend unless on account of his own sickness or that of his family. Any member of the city council remaining absent for three consecutive meetings of the council unless prevented by sickness, without first having obtained leave of absence at a regular meeting, shall be deemed to have vacated his office, and the mayor shall proceed to fill the vacancy in accordance with the charter.

Sec. 165. The city council shall have power to prescribe the duties of all officers and persons appointed by it or elected to any office or place whatever, subject to the provisions of this act, and to remit in whole or in part on such conditions as may be deemed proper, by a vote of two-thirds of the

members present, any fine or penalty belonging to the city which may be imposed or incurred under this act or under any ordinance or resolution in pursuance thereof.

Sec. 166. The city council shall, on the first day of January of each and every year ending in an odd number or as soon thereafter as practicable fix the salary of the mayor to be elected at the next regular election, and shall at the same time establish the compensation or salary to be paid to the officers elected or appointed by the city council, and the compensation or salary so established shall not be changed during the term for which said officers shall be elected or appointed.

Sec. 167. It shall not be necessary in any action, suit, or proceeding in which the city shall be a party for any bond, undertaking, or security to be executed in behalf of the city; but all such actions, suits, and proceedings shall be conducted in the same manner as if such bond, undertaking, or security had been given, and for all the purposes of such actions, suits, and proceedings the city shall be liable in the same manner and to the same extent as if the bond, undertaking, or security required in ordinary cases had been duly given and executed.

Sec. 168. The cemetery lots which have been and may hereafter be laid out and sold for the city for private places of burial shall with their appurtenances be forever exempt from taxes, executions, attachments, or forced sales.

Sec. 169. All rights, actions, fines, penalties, and forfeitures in suits or otherwise which have accrued under the laws heretofore in force shall be vested in and prosecuted by the corporation hereby created; and no suit pending shall be affected by the passage and acceptance of this act, but the same shall be prosecuted or defended, as the case may be, by the corporation hereby created.

Sec. 170. All property, real, personal, or mixed, belonging to the city of El Paso is hereby vested in the corporation created by this act.

Sec. 171. No indebtedness of any character whatever hereafter incurred by said corporation shall draw a higher rate of interest than ten per cent per annum.

Sec. 172. The city council shall have power to establish free libraries in the city, to adopt rules and regulations for the proper management thereof, and to appropriate such part of the revenues of the city for the management and increase thereof as the city council shall by ordinance determine.

Sec. 173. The city council shall have power to take a census of the city whenever and as often as it may be necessary.

Sec. 174. This act shall be deemed a public act and the courts shall take judicial knowledge thereof at all times and in all proceedings.

Sec. 175. Whereas the city of El Paso now has more than ten thousand inhabitants, and the present charter thereof is wholly inadequate, and it is desirable that the municipal elections of said city should be held at the same time as those of the other cities; therefore an emergency exists and an imperative public necessity demands the suspension of the constitutional rule which requires a bill to be read on three several days, and that this act take effect and be in force from and after its passage.

Sec. 176. An act entitled "An Act to incorporate the city of El Paso," approved May 17, 1873, is hereby repealed.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 91 yeas, no nays; and passed the senate by a vote of 22 yeas, no nays.]

Approved, March 2, 1889.

## FORT WORTH—AN ACT INCORPORATING CITY OF.

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CHAP. 5.—[S. B. No. 258.] An Act to incorporate the city of Fort Worth, and to grant a charter to said city.

#### ARTICLE I.—GENERAL PROVISIONS.

Section 1. Be it enacted by the Legislature of the State of Texas: That all the inhabitants of the city of Fort Worth shall continue to be a body politic and corporate, with perpetual succession, by the name and style of the city of Fort Worth, and as such they and their successors by that name shall have, exercise, and enjoy all the rights, immunities, powers, privileges, and franchises now possessed and enjoyed by said city, and herein granted and conferred, and shall be subject to all the duties and obligations now pertaining to or incumbent on said city as a corporation, and may ordain and establish such acts, laws, regulations, and ordinances, not inconsistent with the constitution and laws of this state, as shall be needful for the government, interest, welfare, and good order of said body politic; and under the same name shall be known in law, and be capable of contracting and being contracted with, suing and being sued, impleading and being impleaded to, answering and being answered unto in all courts and places and in all matters whatever; may take, hold, and purchase, lease, grant, and convey such real and personal property or estate as the purposes of the corporation may require, within or without the limits thereof; and may make, have, and use a corporate seal, and change and renew the same at pleasure.

Sec. 2. City Limits.—That the limits of the said city of Fort Worth shall be and remain the same as they exist at the time of the enactment of this law: Provided, That such limits may hereafter be extended so as to embrace any adjoining territory whenever a majority of the inhabitants of such territory entitled to vote for members of the state legislature shall vote in favor of becoming a part of the population of said city and annexing said territory to said city. Sufficient evidence that a majority of said inhabitants have voted in favor of said proposition shall be the affidavit, defining the territory desired to be added, of five of them filed with the mayor. When such affidavit shall be filed the mayor shall forthwith communicate same to the city council of said city. At its first regular meeting, or as soon thereafter as practicable after being furnished by the mayor with said affidavit, the city council may by ordinance receive said inhabitants as part of the population, and said territory as part of the territory of said city; and when so received thenceforth the inhabitants of said territory shall be a part of the population of said city of Fort Worth, and said territory shall constitute a part of its territory to all intents and purposes like other inhabitants and territory thereof.

Sec. 3. Wards.—The wards of said city and their boundaries shall be and remain the same as exist at the time of the enactment of this law: Provided, That the city council shall have power from time to time to divide said city into as many wards as they may deem expedient, and may prescribe and change the boundaries thereof; but no such division or change shall be made



unless it be done at least three months preceding the city election next ensuing, and said wards so established shall contain as far as practicable an equal number of votes.

## ARTICLE II.—OFFICERS AND THEIR ELECTION.

Sec. 4. **Municipal Government Defined.**—The municipal government of said city shall consist of a city council composed of the mayor and two aldermen from each ward. A majority of the aldermen shall constitute a quorum of the council for the transaction of business, except at called meetings or meetings for the imposition of taxes, when two-thirds of the aldermen shall be required unless herein otherwise provided.

Sec. 5. **Other Officers.**—The other officers of said corporation shall be a treasurer, an assessor and collector, a secretary, a city attorney, a marshal, a recorder, a city engineer, and such other officers and agents as the city council may from time to time establish.

Sec. 6. **Officers, how Chosen.**—The mayor and aldermen and all of the officers mentioned in the last preceding section, except recorder of said city, shall each be elected by the qualified voters of said city as hereinafter provided, and shall hold their respective offices for two years and until the election and qualification of their successors.

Sec. 7. The city council shall on their first regular meeting in April in each year elect a city recorder, who shall hold his office for one year and until his successor is elected and qualified. Should said city council fail to elect said city recorder on their first meeting in April, then they shall do so at their next regular meeting.

Sec. 8. **Annual Election.**—An election shall be held in each of the wards of said city on the first Tuesday in April, A. D. 1889, and annually thereafter at such places as the city council may designate.

Sec. 9. **Elections to be Ordered and Notice Given.**—Said elections shall be ordered by the city council, and when same shall be so ordered the council shall cause to be given twenty days notice thereof in one or more newspapers published in said city, which notice shall state the officer or officers to be elected, the places where said election will be held, and the names of the various presiding officers of election. Should the council for any reason fail to order an election or to give notice thereof the mayor shall make such order or give such notice.

Sec. 10. **Appointment of Presiding Officers, etc.**—At the first regular meeting in May in each year or earlier the council shall designate some suitable place in each ward at which during the ensuing year all elections shall be held, and if the council shall neglect or refuse to designate such places or any of them, or if from any cause the places so designated or any of them can not be procured for the purposes hereinbefore specified, then the mayor may at any time before the next ensuing election designate such places and shall at the same time appoint some suitable person in each ward to serve as presiding officer of elections in said ward: Provided, That no person shall be appointed presiding officer who is not a qualified voter of the ward for which he is appointed. As soon as practicable after the appointment of presiding officers the city secretary shall notify each person so appointed of the fact. In case a person appointed presiding officer of election fails to attend on the day of election or fails or refuses to act, or in case no presiding officer has been appointed, it shall be lawful for the voters of the ward present on that day at the ward voting place to select from among their number a presiding officer to act as such at that election, and the person so selected shall have the same

power and authority as if he had been appointed by the council, but in such case the managers of the election shall in their returns certify that the presiding officer was appointed from and by the voters at the ward voting place on the day of such election, because there was no regular presiding officer in attendance, or because the regular presiding officer failed or refused to act, as the case may be.

Sec. 11. Judges and Clerks Appointed, etc.—The presiding officer of each ward shall on or before the day of election select from among the qualified voters of the ward three judges and four clerks, such selections to be made from different political parties if demanded as nearly as practicable and there be present a sufficient number of the party making the demand who are willing and competent to serve in said positions; and said judges and clerks together with the presiding officer shall be the managers of the election. Managers of elections shall receive \$2 per day for each day of twelve hours or fraction thereof while engaged in their official duties.

Sec. 12. First Election, etc.—At the first annual election under this law there shall be elected by the qualified voters of said city a treasurer, an assessor and collector, a secretary, a marshal, a city attorney, and a city engineer, each of whom shall hold his office for two years and until his successor is elected and qualified; and at said first election there shall be elected by the qualified voters of each ward of said city one alderman, who shall hold his office for two years and until his successor is elected and qualified, and at each annual election thereafter there shall be elected by the qualified voters of each of said wards one alderman, who shall hold his office for two years and until his successor is elected and qualified. The aldermen to be chosen at said first election shall be to fill the places of those whose successors under the existing order of things are to be chosen, and those to be subsequently elected shall be to fill places as they would have to be filled had not this law been passed. The first election under this law shall be held by the officers heretofore last appointed by the council at the places heretofore last designated: Provided, That if any presiding officer fails to attend or fails or refuses to act his place may be filled by the voters as provided in section 10.

Sec. 13. Time of Holding Elections and Making Returns Thereof.—At all elections held under this law the ballots of each ward shall be taken separately—the polls to be opened for one day only from 8 o'clock a. m. until 6 o'clock p. m. Should the polls not be opened promptly at 8 o'clock, the time shall be extended beyond the hour of 6 so as to secure the full period of 10 hours for voting purposes. The managers of elections shall count and cast up the votes for each candidate in accordance with the state laws, and sign and certify to the returns in duplicate, one of which shall be sealed up and retained by the presiding officer for use by the council or the courts of the country in any legal investigation of the election; the other copy shall be sealed up with the name of the presiding officer written across the seal, and shall be by one of the managers of the election delivered in open session to the council the next day or as soon thereafter as practicable. The officer so delivering same shall make oath before the mayor or one of the aldermen that the returns delivered by him have not been altered or opened since being signed and sealed as aforesaid. As received the city council shall immediately open the returns from each ward and estimate the result, causing same to be recorded in tabular form in the minutes of the council. Persons receiving the highest number of votes for the various offices shall be declared elected to the offices for which they were respectively voted. The newly elected officers may enter on their duties on the fifth day after election, Sundays excepted: Provided, That any officer elect shall qualify at any time within thirty days;

otherwise the office shall be deemed vacant. It shall be the duty of the city secretary to notify all persons elected or appointed to office of their election or appointment, and the city council elect shall convene at the usual place of meeting on the fifth day, Sundays excepted, after their election, or as soon thereafter as practicable, and be installed under the provisions of this law.

Sec. 14. **Qualification of Voters.**—Every person entitled to vote for members of the legislature of the state, who shall have resided within the limits of the city for six months and in the ward in which he offers to vote for ten days next preceding any city election, shall be entitled to vote at such election.

Sec. 15. **Oath of Managers of Elections.**—The managers of elections shall be sworn well and truly to conduct the election without partiality or prejudice and agreeably to law, according to the best of their skill and understanding. The oath shall be administered by the presiding officers to the judges and clerks, and one of the judges after being sworn shall administer same oath to presiding officer.

Sec. 16. **Proceedings in Case of a Tie Vote, etc.**—Whenever it happens in any election that there is a tie vote between two or more candidates for the same office, all of whom cannot be elected, the council shall declare such election void as between such candidates only, and immediately order a new election for the office, giving not less than five days notice thereof. In the event of the failure of the council to meet to examine the election returns and declare the result the mayor shall discharge that duty.

Sec. 17. **Who are Eligible to City Offices.**—No person shall be eligible to any office of said city whether elected by the voters or the council unless he possesses the qualifications of an elector and shall have resided in the limits of the city for twelve months next preceding the election at which he is a candidate. And no person shall be eligible to the office of alderman unless in addition to the above prescribed qualifications he shall be a resident of the ward in which he is a candidate, and a removal from said ward during the term for which he is elected shall vacate his office.

Sec. 18. **Special Elections to Fill Vacancies.**—In case of a vacancy in the office of mayor or alderman by refusal to accept or failure to qualify, or by death, resignation, or otherwise, the city council shall order a new election to fill such vacancy, and all special elections shall be conducted as herein provided for in the annual elections: Provided, That in all such special elections to fill vacancies ten days notice shall be deemed sufficient. In case of a vacancy in any other office in the city than mayor or alderman by refusal to accept, failure to qualify, death, resignation, or otherwise, the city council shall fill such vacancy, a majority of the council being necessary for the purpose.

Sec. 19. **State Election Laws, etc.**—The manner of holding and voting at elections to be held under this act and the powers and duties of the managers thereof and the counting of votes shall be according to the general laws of the state in force at the time, as far as the same shall be applicable and not in conflict with this act: Provided, That the city council shall have full power and authority to pass such laws as it shall deem expedient in respect to conducting elections and voting thereat, as well as to making returns thereof and prescribing the mode and manner of determining contested elections.

### ARTICLE III.—DUTIES AND POWERS OF OFFICERS.

Sec. 20. **Official Oath.**—Every person elected by the voters of said city or by the city council to fill any office under this act shall before entering on the duties of his office take and subscribe the official oath prescribed by the

constitution of this state, and the city council may by ordinance require such additional oath as they may deem proper.

Sec. 21. Duties of Mayor.—The mayor of the city shall be the chief executive officer of the corporation, and shall be vigilant and active at all times, causing the laws and ordinances of said city to be executed and put in force. He shall inspect the conduct of all subordinate officers in the government thereof, and as far as it may be in his power shall cause all negligence, carelessness, positive violation of duty to be prosecuted and punished, and if in his discretion considered necessary to suspend the official until the next meeting of the city council. He shall have power when in his judgment the good of the city may require it to summon meetings of the city council, and he shall from time to time communicate to that body all such information and recommend all such measures as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort, ornament, and good government of said city.

Sec. 22. Mayor may Summon Citizens to act as Special Police Force, etc.—Whenever the mayor shall deem it necessary, in order to enforce the laws of the city or to avoid danger or protect life or property in case of riot or any outbreak or any public calamity or disturbance, or when he has reason to fear any serious violation of law and order or any outbreak or any other danger to said city or the inhabitants thereof, he shall summon into service as a special police force all or as many of the citizens as in his discretion may be necessary and proper, and such summons may be by proclamation or order addressed to the citizens generally or those of any ward or subdivision thereof, or summons may be by personal notification. Such special police force while in service shall be subject to the orders of the mayor, shall perform such duties as he may require, and shall have the same powers while on duty as the regular police force of the city; and any person so summoned and failing to obey or appearing and failing to perform any duty that may be required by this act shall be fined in any sum not exceeding one hundred dollars.

Sec. 23. Other Powers of Mayor.—The mayor shall have like power with a justice of the peace to administer oaths of office. He shall have authority in case of a riot or any unlawful assembly, or with a view to preserve the peace and good order in said city, to order and enforce the closing of any theatre, ball room, grog shop, tippling house, bar room, or other place of resort or public room or building, and may order the arrest of any person violating in his presence the laws of the state or any ordinance of the city; and he shall perform such other duties and possess and exercise such other powers as may be prescribed and conferred by the city council.

Sec. 24. Veto Power of Mayor, etc.—All ordinances and resolutions adopted by the council shall before they take effect be placed in the office of the city secretary, and if the mayor approve thereof he shall sign the same, and such as he shall not sign he shall return to the city council with his objection thereto. Upon the return of any ordinance or resolution by the mayor the vote by which same was passed shall be reconsidered, and if after reconsideration two-thirds of the whole number of aldermen present agree to pass same and enter their votes on the journal of the proceedings it shall be in force from that time or after publication or time expressed for taking effect, as the case may be. And if the mayor shall neglect to approve or object to any proceedings for a longer period than three days after the same shall be placed in the secretary's office as aforesaid the same shall go into effect from that time or after publication or time expressed for taking effect, as the case may be.

Sec. 25. Salary of Mayor.—The mayor of said city shall receive a salary

payable in monthly installments not exceeding the sum of two thousand and five hundred dollars per annum to be fixed by the city council as hereinafter provided.

Sec. 26. Recorder, Jurisdiction of, etc.—The recorder of said city shall be the chief judicial magistrate thereof, and as such shall hold a court within said city by the name of the recorder's court of the city of Fort Worth, which said court shall have jurisdiction and cognizance of all misdemeanors, breaches of the peace, infractions of the ordinances, and all other causes arising under the laws of said city, and shall be deemed open for trial between the hours 9 a. m. and 12:30 p. m., unless in the recorder's judgment the court shall open afternoon session when said court may hold afternoon sessions. The said court shall have full power and jurisdiction in all cases arising under the ordinances of said city and over any breaches and violations thereof and of any and all persons thus offending, and to try and determine all suits and actions and complaints charging a violation of any ordinance of said city, and may grant new trials on motion in writing showing sufficient cause. The recorder may require of any person arrested under the provisions of this act a bond for his good behavior and to keep the peace, with two or more good and sufficient sureties, which bond shall be payable to said city of Fort Worth and shall be approved by said recorder. He shall have authority to issue subpoenas for witnesses and to compel their attendance by process of attachment. He may punish all contempts by fine not exceeding fifty dollars and imprisonment not exceeding one day or by either; may issue subpoenas, writs of *capias*, warrants of arrest, search warrants, executions, and all other process known to the law that a justice of the peace of this state may lawfully issue, and all of said writs and process shall be issued, served, and executed under the same forms and in the same manner that like process would be if issued by a justice of the peace unless herein otherwise provided. He shall also have full power and authority to administer official oaths and all oaths and affirmations in trials before him. He shall be *ex officio* justice of the peace, and he shall possess and exercise in the city in criminal cases all the powers of a justice of the peace and shall have the same power as justices of the peace in the prevention and suppression of crime: Provided, That in no case shall he entertain jurisdiction in civil suits except the forfeiture and collection of bonds in his court. All prosecutions for violation of city ordinances shall be carried on in the name and by the authority of "The city of Fort Worth," and conclude "Against the peace and dignity of the city." The style of all process and writs shall be "The city of Fort Worth."

Sec. 27. Costs in Recorder's Court and his Salary.—The city council may prescribe what costs shall be charged in proceedings in and for all process issued from the recorder's court and the service and execution thereof, which costs shall be paid into the city treasury for the use of the city. The recorder shall receive a salary not exceeding twelve hundred dollars per annum, to be fixed by the city council as hereinafter provided, payable in monthly installments.

Sec. 28. Other Duties of Recorder, etc.—The recorder shall perform such other duties appertaining to him as the judge of said court as the council may prescribe. All money collected from fines or forfeiture, of whatever character, imposed by the recorder, shall be paid into the city treasury for the use of the city.

Sec. 29. Absence, Inability, or Disqualification of Recorder.—Should the recorder at any time be absent, unable to act, or disqualified, in any case before his court, the mayor or mayor pro tem. shall in such event perform the duties of recorder with like power and authority.

Sec. 30. *Rights of Trial by Jury.*—Every person accused before the recorder of an offense cognizable by him shall be entitled, if he demand it, to be tried by a jury of six legal voters of said city, who shall be summoned by the marshal or one of his deputies, and shall be impanelled and qualified as jurors in justices courts under the laws of the state: Provided, That persons so tried shall in the event of conviction be taxed in the sum of three dollars for the payment of jury fees in each case.

Sec. 31. *Trials before Recorder.*—All prosecutions, trials, and proceedings had in the recorder's court shall be governed by the laws and rules regulating trials, prosecutions, and proceedings before justices courts in force at the time, so far as applicable and not in conflict herewith.

Sec. 32. *Powers and Duties of the Marshal.*—The marshal of the city shall be ex officio chief of police, and may appoint one deputy who shall be paid by the city, and he may appoint additional deputies to be paid by himself, and all deputies shall be subject to the confirmation of the city council, and he shall either in person or by deputy attend upon the recorder's court while in session and upon meetings of the city council, and shall promptly and faithfully execute all writs and process issued from said courts. He shall have like power with the sheriff of the county to execute the writ of search warrant. He shall be active in quieting riots, disorders, and disturbances of the peace within the limits of the city, and shall take into custody all persons so offending against the peace of the city, and shall have authority to take suitable and sufficient bail for the appearance before the recorder's court of any person charged with an offense against ordinances or laws of the city. It shall be his duty to arrest without warrant all violators of the public peace and all who obstruct or interfere with him in the execution of the duties of his office or who shall be guilty of any disorderly conduct or disturbance whatever in his presence or upon complaint of any citizen. To prevent a breach of the peace or preserve quiet and good order, he shall have authority to close any theater, bar room, drinking house, or any other place or building of public resort, and in the prosecution and suppression of crime and arrest of offenders he shall have, possess, and exercise like power, authority, and jurisdiction of the sheriff of the county under the laws of the state. He shall receive a salary not to exceed two thousand dollars per annum, to be fixed by the council as hereinafter provided, payable in monthly installments. He shall give a bond, payable to the said city, with good security, conditioned for the faithful performance of his duties in accordance with the charter and ordinances of the city, in such amount as the city council may require, said bond to be approved by the city council, and he shall perform such other duties and possess such other powers, rights, and authority as the council may by ordinance require and confer.

Sec. 33. *Powers and Duties of the Secretary.*—It shall be the duty of the city secretary to attend every meeting of the city council and keep accurate minutes of the proceedings thereof in a book provided for that purpose, and to engross and enroll all laws, ordinances, and resolutions of the city council; to keep the corporate seal; to take charge of, preserve, and keep in order all books, records, papers, documents, and files of the council; to countersign all commissions issued to city officers and licenses issued by the mayor, and to keep a record or register thereof, and to make out all notices required under any resolution or ordinance of the city. He shall draw all warrants on the treasurer and countersign the same and keep an accurate account thereof in books provided for the purpose. He shall be the general accountant of the city, and shall keep in books regular accounts of the receipts and disbursements of the city, and separately under proper heads, each cause of receipt and dis-

bursement; and also accounts with each person, including officers who have money transactions with the city, crediting amounts allowed by proper authority and specifying the particular transactions to which such entries apply. He shall also keep a register of bonds and bills issued by the city and all evidence of debts due and payable to it, noting the particulars thereof and all facts connected therewith as they occur. He shall carefully keep all contracts made by the city, and he shall do and perform all such other duties as may be required of him by any law, ordinance, resolution, or order of the city council. He shall receive for his services a salary not exceeding two thousand dollars per annum, to be fixed by the city council as hereinafter provided, payable in monthly installments; and he shall give a bond with good security payable to the city in such amount as the council may prescribe and conditioned for the faithful discharge of his duties in accordance with the charter and ordinances of the city, the same to be approved by the city council. He shall have such assistants to be paid by the city as may be needed for the transaction of business relating to his office, the necessity for such assistants to be determined by the council.

Sec. 34. Powers and Duties of Treasurer, etc.—The treasurer of said city shall receive and securely keep all moneys belonging to the city, and make all payments for the same upon the order of the mayor attested by the secretary under the seal of the city: Provided, That no order shall be paid unless it shall show on its face that the city council has directed its issuance and for what purpose. He shall render a full and correct statement of his receipts and payments to the city council at their first regular meeting in every quarter, and whenever at all other times he is required by them so to do. At the end of every half year he shall cause to be published at the expense of the city a report showing the amount of receipts and expenditures for the six months next preceeding and the general condition of the treasury, and he shall do and perform such other acts and duties as the city council may require; and for his services he shall receive such salary as the council shall fix as hereinafter provided, not to exceed ten dollars per annum, payable monthly. He shall execute a bond payable to the city in such amount and in such form as may be required by the council, and with sufficient security to be approved by the council, and conditioned for the faithful discharge of his duties in accordance with the charter and ordinances of the city. He shall also execute another bond payable to the city in such amount and in such form as may be required by the council, and with sufficient security to be approved by the council, and conditioned for the faithful discharge of his duties, by reason of all school funds of the city derived from any source coming into his hands.

Sec. 35. Powers and Duties of Assessor and Collector, etc.—The assessor and collector shall make up the assessment of all property taxed by the city and make duplicate rolls thereof, and on completion of the rolls he shall deliver one of them to the city secretary. He shall collect all taxes due the city, and in the event of non-payment of any taxes he shall proceed to sell property to raise the amount of taxes so due, and shall in the performance of his duties observe the provisions of this act and the ordinances of the city relating thereto. He shall give bond payable to said city in such amount and in such form as the council may require, with good and sufficient sureties, conditioned for the faithful performance of his duties in accordance with the charter and ordinances of the city, the same to be approved by the council. The council may require of him a new bond whenever they deem the existing bond for any reason insufficient, and whenever such new bond shall be required he shall perform no official act until the same is given and approved. He shall at the expiration of every week pay to the treasurer all money col-

lected by him by virtue of his office, and he shall at the first meeting in every month report to the council the money so collected and paid. He shall perform such other duties and in such manner and according to such rules and regulations as the council may prescribe. He is authorized to require the owners of property subject to taxation to render a correct statement thereof under oath to be administered by him or one of his deputies. He is empowered to appoint one or more deputies, the salary of one of whom shall be paid by the city. He shall receive a salary of not more than two thousand dollars per annum, to be fixed by the council as hereinafter provided, payable in monthly installments.

Sec. 36. Powers and Duties of City Engineer.—The city engineer shall possess such powers and perform such duties as the city council may prescribe, and he shall receive a salary of not more than twelve hundred dollars per annum, to be fixed by the council as hereinafter provided, payable in monthly installments. He shall execute a bond payable to the city in such amount as the council may prescribe, with sufficient security to be approved by the council and conditioned for the faithful discharge of his duties in accordance with the charter and ordinances of the city.

Sec. 37. Powers and Duties of City Attorney, etc.—The city attorney shall represent the city of Fort Worth in all cases now pending or hereafter to be brought in any court in favor of or against said city. He shall attend all meetings of the city council and give his advice and counsel when called upon to do so. He shall give his opinion upon all legal questions concerning the city. He shall aid when requested in drawing and digesting all ordinances, resolutions, regulations, charters, and amended charters, and he shall render such other professional services as the council may require. He shall have the power to administer oaths in any matter pertaining to the duties of his office. He may appoint a deputy to be paid by himself to represent him in the recorder's court. He shall receive a salary of not more than twenty-five hundred dollars per annum, to be fixed by the council as hereinafter provided, payable in monthly installments. The council may when it deems it necessary employ counsel to assist the city attorney in any matter or suit affecting the city and may pay him such compensation as may be agreed upon. The city attorney shall give such bond as the city council may require.

Sec. 38. Further Duties may be required of Officers, etc.—The city council may from time to time require other and further duties of all officers whose duties are herein prescribed, and define and prescribe the duties and powers of all officers appointed or elected to any office of the city, and whose duties are not herein specially mentioned, and fix their compensation when not herein fixed. They may also require bonds to be given to said corporation by all officers for the faithful performance of their duties. The council shall also provide for the filling of vacancies and in all offices not herein provided for, and in all cases of vacancies the same shall be filled for the unexpired term only. No officer elected by the council shall hold office longer than the continuance of the council electing him except school trustees.

Sec. 39. Salaries of Officers to be Fixed, etc.—The city council shall on or before the first day of January next preceding each election after the first under this act fix the salaries of all the officers of said city who are to be chosen at said election, and shall at the same time fix the salaries of all the officers who are to be appointed by the next council, and the salaries so fixed shall not be increased or diminished during the term for which said officers shall be elected or appointed. The salary of no officer whose term shall continue until the entering upon duty by officers to be chosen at the election held on the first Tuesday in April, 1890, or until the election of officers by



the council next thereafter, shall be affected by this act, but their salaries shall remain as fixed by the city council on the first day of January, 1889, until their terms expire: Provided, however, That from and after April 1, 1889, the present mayor of said city shall receive during the continuance of his term of office a salary payable in monthly installments at the rate of \$2000 per annum.

#### ARTICLE IV.—GENERAL POWERS AND DUTIES OF THE CITY COUNCIL.

Sec. 40. City Council, who shall Preside Over.—The mayor and aldermen shall constitute the city council of said city. The council shall meet at such times and places as they shall by resolution designate. The mayor shall preside over all meetings of the council, but shall not vote unless there is a tie, when he shall give the casting vote: Provided, That he shall in no event have a right to vote in elections. At the first meeting of each new council or as soon thereafter as practicable they shall elect one of their members president pro tem. who shall hold his office for one year. In case of the inability, absence, failure, or refusal of the mayor to act, the president pro tem. shall perform the duties of mayor and shall when so acting receive the compensation of the mayor. If both the mayor and president pro tem. are absent from any meeting, the council may appoint any one of their members to preside thereat.

Sec. 41. Shall Hold Stated and Special Meetings.—The city council shall hold stated meetings, and the mayor may of his own motion or on the application of three or more aldermen call special meetings by notice to each of the members of the council, the secretary, and city attorney, served personally or left at their usual place of business or abode. Petitions and remonstrances may be presented to the council in writing only, and the council shall determine the rules of its proceedings and be the judge of the election and qualification of its members, and have the power to compel the attendance of absent members and punish any member for disorderly conduct. In case when requested by three or more aldermen the mayor shall fail or refuse to call a meeting of the council, then a majority of the aldermen shall have the right to call a meeting, in which event they shall give like notice as the mayor is required to give and shall also notify the mayor.

Sec. 42. Shall Control Finances and Property.—The city council shall have the management and control of the finances and other property real and personal belonging to the city.

Sec. 43. Power to Appropriate Money, etc.—The city council shall have the power to appropriate money and provide for the payment of the debts and expenses of the city.

Sec. 44. Power to Provide Special Funds for Special Purposes.—To provide by ordinance special funds for special purposes and make the same disbursable only for the purpose for which the fund was created, and any officer of the city misappropriating said special fund shall be deemed guilty of malfeasance in office, and shall on complaint of any one interested in said fund so misappropriated be removed from office by the council and be incapable thereafter to hold any office of said city.

Sec. 45. May make Health and Quarantine Regulations.—To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and to enforce them within the city and within ten miles thereof.

Sec. 46. To Provide City with Water, etc.—To provide or cause to be provided the city with water; to make, regulate, and establish public wells,

pumps, cisterns, hydrants, reservoirs, and water works of any and every kind whatever, and to have full control thereof; and in furtherance of these objects the city council may by ordinance establish a water works department, and appoint such officers, agents, and directors for the operation thereof as it may deem necessary, and may clothe them with such authority as it may deem necessary.

Sec. 47. Control of Streets and Alleys, etc.—To have the exclusive control and power over streets, alleys, public grounds, and highways within the city, and to abate and remove encroachments or obstructions thereof; to open, alter, widen, extend, establish, regulate, grade, clean, or otherwise improve such streets, alleys, highways, and public grounds; to put drains or sewers therein, and to prevent the encumbering thereof in any manner, and to protect same from any encroachment or injury, and to regulate and alter the grade of premises, and to require the filling up and raising of same; and said city council shall also have power to alter or vacate the alley in any block of ground within the city upon the written application of the owner of the block, or, if there be more than one owner of such block, then upon the written application of all the owners thereof uniting in such application, and such alley so vacated shall thereupon revert to and become the property of the owner of the block of which it was a part, or, if more than one, then the owners of the adjoining lots therein, each extending to the center of the alley so vacated.

Sec. 48. May Establish, etc., and Keep in Repair Bridges, etc.—To establish, erect, construct, regulate, and keep in repair bridges, culverts, and sewers, sidewalks, curbing, and crossways, and to regulate the construction and use of the same, and to abate and punish any obstructions or encroachments thereon; and the cost of construction and repairing walks and curbing shall be defrayed by the owner of the lot or part of lot or block fronting on the sidewalks or curbing, and the cost of any sidewalks constructed by the city shall be collected if necessary by the sale of the lot or part of lot or block on which it fronts, together with the cost of the collection, in such a manner as the city council may by ordinance provide, and a sale of any lot or part of lot or block to enforce collection of cost of sidewalks shall convey a good title to the purchaser, and the balance of proceeds of sale after paying the amount due the city and costs of sale shall be paid by the city to the owners, and the city council may pass any ordinance deemed necessary in furtherance of the provisions of this section.

Sec. 49. May Provide Light and Gas for the City.—To provide for lighting the streets and erecting lamp posts and lamps therein and regulating the lighting thereof, and from time to time create, alter, or extend lamp districts; to exclusively regulate, direct, and control the laying and repairing of the gas pipes and fixtures and the establishment and maintenance of electric or other lights in the streets, alleys, sidewalks, and elsewhere.

Sec. 50. May Establish Markets, etc.—To establish or erect or cause to be established or erected markets and market houses; designate, control, and regulate market places and privileges; inspect and determine the mode of inspecting meat, fish, vegetables, and all produce and every article and thing therein brought for sale.

Sec. 51. May Improve Public Grounds, Cemeteries, etc.—To provide for the inclosing, regulating, and improving all public grounds and cemeteries belonging to the city, and to direct and regulate the planting and preserving of ornaments and shade trees in the streets, sidewalks, or public grounds.

Sec. 52. May Establish Hospitals, etc.—To erect or establish one or more

hospitals and to control and regulate the same, and to prohibit or permit the establishment of private hospitals.

Sec. 53. *May Prevent the Incumbering of Streets, etc.*—To prevent the incumbering of the streets, alleys, sidewalks, and public grounds with carriages, wagons, carts, hacks, buggies, or any vehicle whatsoever, boxes, lumber, timber, firewood, posts, awnings, signs, or any other substance or material whatever or in any other manner whatever; to compel all persons to keep all weeds, filth, and any kind of rubbish from the sidewalks and streets and gutters in front of the premises occupied by them, and to require and compel the owners of the property to fill up, grade, gravel, and otherwise improve the sidewalks in front of and adjoining their property; also to inspect the construction of buildings and to cause unsafe buildings to be made safe or to be removed, and to prohibit the use of materials deemed unsafe.

Sec. 54. *May Establish, etc., a Free Library.*—To establish a free library and to adopt rules and regulations for the proper management thereof, and to appropriate such part of the revenues of the city for the management and increase of such free library as the city council may determine.

Sec. 55. *May Restrain, etc., the Sale, etc., of Intoxicating Liquors.*—To restrain, regulate, and prohibit the selling or giving away indirectly to evade a tax or penalty of intoxicating or malt liquors by any person within the city, except by persons duly licensed; to forbid or punish the selling or giving away of any intoxicating or malt liquors to any minor, apprentice, or habitual drunkard.

Sec. 56. *May Close Drinking Houses, etc., on Sunday.*—To close drinking houses, saloons, bar rooms, beer saloons, and all places or establishments where intoxicating or fermented liquors are sold on Sundays, and also all places of amusement and business.

Sec. 57. *May Prevent Sale of Liquors in Certain Places.*—The city council shall have full power by ordinance to prevent the sale or giving away of any intoxicating liquors in any house or other place where theatrical or dramatic representations are given, and also to prevent intoxicating liquors of any description from being brought into any house or place where such representations are given under any pretext whatsoever.

Sec. 58. *May Regulate Butchers, etc.*—To make such rules and regulations in relation to butchers as they may deem necessary and proper.

Sec. 59. *May Regulate Inspection, etc., of Provisions.*—To regulate the inspection of beef, pork, flour, meal, salt, milk, oleomargarine, and other provisions, whisky and other liquors to be sold in barrels, hogsheads, and other vessels and packages; to appoint weighers, gaugers, and inspectors, and prescribe their duties and regulate their compensation.

Sec. 60. *May Regulate Weight and Quality of Bread.*—To regulate the weight and quality of the bread to be sold or used within the city.

Sec. 61. *May Create and Regulate Police.*—To create, establish, and regulate the police of the city; to appoint watermen and policemen, and to prescribe their duties and powers and compensation.

Sec. 62. *May Suppress Riots, etc.*—To suppress and prevent any riot, affray, noise, disturbance, or disorderly assembly in any public or private place within the city.

Sec. 63. *May Prevent, etc., Horse Racing, Abuse of Animals, etc.*—To prevent, prohibit, and suppress horse racing, immoderate riding or driving in the streets; to prohibit and punish the abuse of animals; to compel persons to fasten their horses or other animals attached to vehicles or otherwise while standing or remaining in the streets.

Sec. 64. *May Punish Vagrants, etc.*—To restrain and punish vagrants, mendicants, street beggars, and prostitutes.

Sec. 65. *May Establish Pounds, etc.*—To establish and regulate public pounds, and to regulate, restrain, and prohibit the running at large of horses, mules, cattle, sheep, swine, and goats, and all other animals, and to authorize the distraining, impounding, and sale of the same for the cost of the proceeding and the penalty incurred, and to order their destruction when they can not be sold, and to impose penalties on the owners thereof for a violation of any ordinance relating thereto.

Sec. 66. *May Tax, etc., Dogs.*—To tax, regulate, or restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinances, and to impose penalties on the owners or keepers thereof for violation of such ordinances.

Sec. 67. *May Prohibit, etc., Firing of Arms, etc.*—To prohibit and restrain the firing of fire crackers, guns, and pistols, use of velocipedes or use of any pyrotechnic or other amusement or practices tending to annoy persons passing in the streets or sidewalks or to frighten horses or teams; to restrain and prohibit the ringing of bells, blowing of horns and bugles, crying of goods, and all other noises, practices, and performances tending to the collection of persons on the streets and sidewalks by auctioneers and others for the purpose of business or amusement or otherwise.

Sec. 68. *May Abate Nuisances.*—To abate all nuisances which may injure or affect the public health or comfort in any manner they may deem expedient.

Sec. 69. *May Do, etc., to Promote Health and Suppress Disease.*—To do all the acts and make all regulations which may be necessary or expedient to the promotion of health or suppression of disease.

Sec. 70. *May Co-operate with Counties, etc.*—The city council may co-operate with the commissioners court in making such improvements connected with the city and county as may be deemed by the city council and the commissioners court necessary to improve the public health and promote efficient sanitary regulations, and by mutual arrangement they may provide for the construction of said improvements and the payments thereof.

Sec. 71. *May Compel the Cleansing of Premises.*—To compel the owner or occupant of any grocery, soap, tallow, or chandler establishment, or blacksmith shop, tannery, stable, slaughter house, distillery, brewery, sewers, privy, hide house, or any unwholesome or nauseous house or place, to cleanse, remove, or abate the same as may be necessary for the health, comfort, and convenience of the inhabitants.

Sec. 72. *May Direct the Location of Certain Establishments.*—To direct the location of business, tanneries, blacksmith shops, foundries, livery stables, and any manufacturing establishments; to direct the location and regulate the management and construction of, restrain, abate, and prohibit within the city limits slaughtering establishments and hide houses or establishments for keeping and curing hides, establishments for making soap, for steaming or rendering lard, tallow, offal, and such other substances as may be rendered, and all other establishments or places where any nauseous, offensive, or unwholesome business may be carried on.

Sec. 73. *May Regulate the Burial of the Dead, etc.*—To regulate the burial of the dead; to purchase, establish, and regulate one or more cemeteries; to regulate the registration of deaths, marriages, and births; to direct the returning and keeping of bills of mortality.

Sec. 74. *May Define Nuisances and Punish Persons Guilty Thereof.*—To abate and remove nuisances and to punish the author thereof by penalties and

fine, and to define and declare what shall be nuisances and authorize and direct the summary abatement thereof.

Sec. 75. *May Establish, etc., Work Houses, etc.*—To erect and establish one or more work house or houses of correction within or without the city limits, make all necessary rules and regulations thereof, and appoint all necessary keepers or assistants. In such work house or house of correction may be confined all vagrants, stragglers, idlers, suspicious and disorderly persons who may be committed by the recorder; and any person who shall fail or refuse to pay the fine, penalty, or cost imposed for any misdemeanor or breach of any ordinance of the city may, instead of being committed to jail, be kept therein subject to labor and confinement.

Sec. 76. *May Compel Convicts to Labor on the Streets, etc.*—To compel and force all offenders against any ordinance of the city found guilty by the recorder and sentenced to fine, who shall fail or refuse to pay such fine and all cost and penalties, to labor on the streets or alleys of the city or on any public work, under such rules and regulations as may by ordinance be established.

Sec. 77. *May Prevent Trespasses, etc., and Punish Offenders.*—To prevent all trespasses, breaches of the peace and good order, assaults and batteries, fighting, quarreling, using abusive, obscene, profane, and insulting language, misdemeanors and all disorderly conduct, and punish all persons thus offending.

Sec. 78. *May Prevent and Punish Keeping Disorderly Houses.*—To prevent and punish the keeping of houses wherein indecent, lewd, or immodest dramatic or theatrical representations are given, houses of prostitution within the city, and to adopt summary measures for the removal or suppression of all such establishments.

Sec. 79. *May Require Owner of Drains, etc., to Fill up, Cleanse, etc.*—To require the owner of private drains, sinks, and privies to fill up, cleanse, drain, alter, relay, repair, fix, and improve the same, as may be ordered by any resolution or ordinance of said city; and in the event of any failure, neglect, or refusal to comply with any such order the party so failing shall be liable to fine. In the event of there being no person in the city on whom such order can be served, the city may have such work done and such improvements made on account of the owner thereof, and all costs, charges, and expenses shall be a lien on the property on the filing of a memorandum by the mayor under the corporate seal of the city and recording the same with the clerk of the county court; and the city may enforce said lien and institute suit in the corporate name and obtain judgment against said party for the amount so due as aforesaid in any court having jurisdiction.

Sec. 80. *May Control, etc., the Laying of Railroad Tracks, etc.*—To direct and control the laying and construction of railroad tracks, turnouts, and switches, or prohibit the same, in the streets, avenues, and alleys, unless the same shall have been authorized by law, and the location of depots within the city; to require that railroad tracks, turnouts, and switches shall be so constructed as to interfere as little as possible with the ordinary travel and use of streets, avenues, and alleys, and that sufficient space shall be left on either side of said track for the safe and convenient passage of teams, carriages, and other vehicles and persons; to require railroad companies to keep in repair the streets, avenues, or alleys through which their track may run, and if ordered by the city council to construct and keep in repair suitable crossings at the intersection of streets, avenues, and alleys, and ditches, sewers, and culverts, when the city council shall deem it necessary, and to regulate or prohibit the blowing of locomotive whistles within the city; to direct the use and regulate the speed of locomotive engines in said city or to prevent and prohibit the use or running of the same within the city: **Provided,**

That the provisions of this article shall apply to railroads known as steam railroads, and not to city, street, or horse railroads.

Sec. 81. *May Regulate Construction, Repair, and Operation of Street Railroads.*—The city council shall have power to compel horse railroads or other city or street railroad companies to keep their roads in repair and to make them conform to the grades of the streets upon which their tracks may be laid whenever said streets shall have been graded by the city, and to restrain the rate of speed so as not to exceed seven miles per hour, and to compel said city railroads to supply ample accommodations for the safe and convenient travel of the people on the streets where their track may run, and to compel said city railroads to furnish safe, comfortable, and convenient cars for the transportation of passengers. The city council may enforce these regulations by proper ordinances, with suitable penalties for any violation of said ordinances.

Sec. 82. The city council may fix and regulate the privileges or the right to use or occupy the streets, alleys, or sidewalks for the laying of rails or pipes or the erection of poles.

Sec. 83. *May Prevent, etc., Dead Animals, etc., being Deposited within the City Limits.*—To prevent any person from bringing, depositing, or having within the limits of said city any dead carcass or any other offensive or unwholesome substance or matter, and to require the removal or destruction by any person who shall have placed or caused to be placed upon or near his premises or elsewhere of any substance or matter, filth, or any putrid or unsound, beef, pork, or fish, hides, or skins of any kind, and on his default to authorize the removal or destruction thereof by some officer of the city, and require the owner of any dead animal to remove the same to such place as may be designated.

Sec. 84. *May Prevent, etc., the Driving of Animals into or through the City.* To prevent, regulate, and control the driving of cattle, horses, and all other animals into or through the city.

Sec. 85. *Power to Pass, etc., Ordinances, etc., and Other Powers.*—The city council shall have power to pass, publish, amend, or repeal all ordinances, rules, and police regulations not contrary to the constitution of this state for the good government, peace, and order of the city and the trade and commerce thereof that may be necessary or proper to carry into effect the powers vested by this charter in the corporation, the city government, or in any department or office thereof; to enforce the observance of all such rules, ordinances, and police regulations, and to punish violations thereof by fines, penalties, and costs; but no fine or penalty shall exceed two hundred dollars; and for any fine, penalty, and costs imposed by the recorder in the trial of any cause or complaint before him execution may issue to collect such fine, penalty, and costs, to be levied and executed in the same manner that executions are from the district or county court. The same shall be issued by the recorder to the marshal, who in levying on property and selling shall have like power and authority as the sheriff in executions issued from the district or county court, and the laws of the state so far as applicable shall apply to and be in full force and effect as the executions issued from the recorder's court; and any person upon whom any fine or penalty is imposed may be committed until the payment of the same with costs, and in default thereof may be imprisoned in the city prison or work house or house of correction, or may be required to work on the streets or other public work of the city for such time and in such manner as may be provided by ordinance or by law.

Sec. 86. *Power to Provide for Trial Fees, etc.*—The city council shall have power to provide by ordinance for the payment by all persons convicted of

violations of ordinances before the recorder of a trial fee not exceeding ten dollars, in addition to or exclusive of the costs above allowed, to be fixed by the council in proceedings before the recorder, the same to be paid into the city treasury for the use and benefit of the city.

Sec. 87. Power Over the Finances of the City.—To appropriate so much of the revenues of the city emanating from whatever source for the purpose of retiring and discharging the accrued indebtedness of the city and for the purpose of improving the public markets and streets, erecting and conducting city hospitals, city hall, school houses, water works, sewers, and other public improvements as they may from time to time deem expedient, and in furtherance of these objects they shall have power to borrow money upon the credit of the city and issue coupon bonds of the city therefor in such sum or sums as they may deem expedient, to bear interest not exceeding six per cent per annum, payable semi-annually at such place as may be fixed by ordinance: Provided, That the aggregate amount of bonds issued by the city council shall at no time exceed six per cent of the value of the property within said city subject to ad valorem tax: Provided further, That in determining whether at any time the amount of bonds issued by the city is in excess of said limits of six per cent of the value of the property within said city subject to ad valorem tax the debt created by the assumption heretofore by said city of the payment of bonds issued by the Fort Worth Water Works Company shall not be considered or construed to be any part of the bonded indebtedness of said city, but said city shall have the right to issue bonds up to said limit of six per cent regardless of said water works debt.

Sec. 88. City Bonds shall Specify What, etc.—All bonds shall specify for what purpose they were issued and shall not be invalid if sold for less than their par value, and when any bonds are issued by the city a fund shall be provided to pay the interest and create a sinking fund to redeem the bonds, which fund shall not be diverted nor drawn upon for any other purpose, and the city treasurer shall honor no drafts on said fund except to pay interest upon or redeem said bonds for which it was provided. The city council shall have power to invest the sinking fund in United States bonds, Tarrant County bonds, or bonds of the city of Fort Worth.

Sec. 89. Bonds Shall be Signed, etc., and Payable Where and When, etc.—Said bonds shall be signed by the mayor and countersigned by the secretary and payable at such places and such times as may be fixed by ordinance not less than ten nor more than fifty years.

Sec. 90. Bonds Shall be Registered in Comptroller's Office.—It shall be the duty of the mayor whenever any bond or bonds are issued to forward the same to the comptroller of public accounts of the state whose duty it shall be to register said bond or bonds in a book kept for that purpose and to indorse on each bond so registered his certificate of registration, and to give at the request of the mayor his certificate certifying to the amount of bonds so registered in his office up to date.

Sec. 91. Mayor shall Furnish Statement to Comptroller; Duties of Comptroller, etc.—It shall be the duty of the mayor at the time of forwarding any of said bonds for registration to furnish the comptroller with a statement of the value of all taxable property real and personal in the city, also with a statement of the amount of tax levied for the payment of interest and to create a sinking fund. It is hereby made the duty of the comptroller to see that a tax is levied and collected by the city sufficient to pay the interest semi-annually on all bonds issued and to create a sinking fund sufficient to pay the said bonds at maturity, and the said sinking fund is invested in good interest-bearing securities: Provided, however, That whenever said bonds or any one

or more of said bonds shall have been paid and returned after cancellation, then the city may issue other bonds in like sum or sums represented by the bonds paid off and returned, but in no instance to exceed the limit of six per cent.

#### ARTICLE V.—TAXATION.

Sec. 92. The city council may levy, assess, and collect such taxes as may be authorized by law, but no tax for any purpose shall ever be lawful for any one year which shall exceed one and three-fourths per cent of the taxable property of said city; said limit of one and three-fourths per cent to apply to all taxes of every description whatever.

Sec. 93. No Debt shall be Created Unless, etc.—No debt shall ever be created by said city unless at the same time provision be made to assess and collect annually a sufficient sum to pay the interest thereon and create a sinking fund of at least two per cent thereon.

Sec. 94. Poll Tax.—The city council shall have power to levy and collect an annual poll tax not to exceed one dollar of every male inhabitant of said city over twenty-one and under sixty years old who is a resident thereof at the time of such annual assessment.

Sec. 95. Occupation Taxes and Licenses.—The city council shall have the right to assess and collect occupation taxes, commonly known as licenses, upon all trades, professions, callings, occupations, or other business carried on in said city on which a license or occupation tax is levied by the state and for the same period during which such state tax is levied: Provided, That the license tax so levied and collected shall not exceed one-half of the license tax levied by the state for the same trades, professions, occupations, or other business: And provided further, That no person engaged in mechanical or agricultural pursuits shall ever be required by the city to pay an occupation tax. The license tax shall be collected by the assessor and collector, and shall be paid to that officer by each and every person chargeable therewith before engaging upon any trade, profession, calling, occupation, or business; and the city council shall provide suitable penalties for violations or evasions of this section: Provided, That the city may collect such tax by suit in any court having jurisdiction of the amount. Any person pursuing more than one trade, profession, occupation, calling, or business shall pay on each, and no license shall extend to more than one establishment or include more than one trade, profession, occupation, calling, or business.

Sec. 96. Real Estate.—The term real estate or property as used in this act shall be construed to embrace lots, lands, and all buildings or machinery and structures of every kind erected upon and affixed to same.

Sec. 97. Personal Estate.—The terms personal estate or property as used in this act shall be construed to embrace household furniture, money, goods, capital, chattels, stock and stocks of corporations, moneys or otherwise, and all credits, bonds, and other evidences of debt, owned by residents of said city, and evidences of debt owned by non-residents against residents of the city, whether the same be in or out of said city; all money at interest within or without this city due the person to be taxed, over and above what he pays interest for, and all other debts due residents of the city over and above their indebtedness, and other things denominated as personal property under existing or future state tax laws.

Sec. 98. May Provide for Exemption, etc.—The city council may provide by ordinance for the exemption from taxation of such property as they may deem just and proper: Provided, That nothing contained in the article on



taxation shall be construed to prevent the city council from imposing, levying, and collecting special taxes and assessments for the avenues, streets, and alleys of the city as hereinafter provided.

Sec. 99. Power to Provide for Levying and Assessing Taxes, etc.—The city council shall have power to provide by ordinance for the assessing and levying of the taxes aforesaid and to determine when taxes shall be paid by corporations and when by the individual incorporators: Provided, That no tax shall be levied except by consent of two-thirds of the aldermen elected.

#### ARTICLE VI.—COLLECTION OF TAXES.

Sec. 100. Power of the Council to Provide for the Collection of Taxes.—The city council shall have power to provide by ordinance for the prompt collection of all taxes assessed, levied, and imposed under this act and due or to become due to said city, and are hereby authorized and to that end shall have power to sell or cause to be sold real as well as personal property, and shall make all such rules, regulations, and ordain and pass all such ordinances as they may deem necessary for the levying, laying, imposing, assessing, and collecting of any of the taxes herein provided for.

Sec. 101. Power of Council to Regulate Tax Lists, etc.—The city council shall have power by ordinance to regulate the manner and mode of making out tax lists or inventories of property and to prescribe the oath that shall be administered to each person rendering property, and prescribe how and when property shall be rendered, and to prescribe the number and form of assessment rolls and fix the duties and define the powers of the assessor and collector, and adopt such measures as they may deem advisable to secure the assessment of all property within the limits of said city, or subject to taxation under the laws of the city, and collect the tax thereupon.

Sec. 102. State Laws to Govern Assessments and Collections.—The general laws of the state of Texas in force at the time relating to the assessment and collection of state and county taxes shall govern in the assessment and collection of city taxes of said city so far as applicable, except where otherwise herein prescribed: Provided, That said city shall have the power at any time by ordinance to prescribe full rules and regulations on the subject.

Sec. 103. Sales for Taxes.—All sales for taxes shall be made by the assessor and collector in conformity to the general state law on the subject so far as applicable and not herein otherwise provided, and his deed shall have the same force and effect and shall be entitled to the same presumption as a county collector's deed would have in sales made for state and county taxes: Provided, That the city council shall have full power at any time by ordinance to prescribe full rules and regulations on the subject.

Sec. 104. Property Sold, Title, etc.—If at any sale of real estate or personal property for taxes no bid shall be made for any parcel of land or any goods and chattels for a sufficient amount to pay unsatisfied taxes and costs, the same shall be struck off to the city, and thereupon the assessor and collector shall execute to the city a deed for said property which shall vest in the city the same title that any other purchaser would acquire by such purchase, and said city shall have power to sell and convey the same.

Sec. 105. Board of Equalization.—The city council shall have power at any time to establish a board of equalization and define its powers and duties to equalize as near as may be all property subject to or rendered for taxation: Provided, That until it passes such ordinance an act entitled "An Act creating boards of equalization for cities and towns and defining their duties,"

passed by the legislature of Texas April 4, 1887, shall govern in the equalization of taxes in said city.

Sec. 108. Redemption of Land Sold for Taxes, etc.—The owner of property sold for taxes shall have the right to redeem same at any time within two years after day of sale upon paying to the purchaser double the amount of money paid for the land and all taxes subsequently paid by such purchaser with eight per cent interest on the latter from date of payment.

#### ARTICLE VII.—PUBLIC SCHOOLS.

Sec. 107. Fort Worth a Separate School District.—The city of Fort Worth is constituted a separate and independent school district, and the city council is vested with exclusive power to maintain, regulate, direct, and govern all the public free schools now established or hereafter to be established within its limits, and it is furthermore authorized to pass such ordinances, rules, and regulations not inconsistent with the constitution and laws of the state as may be necessary to establish new schools, purchase building sites, construct school houses, and generally to promote free public education within its limits.

Sec. 108.—Council may Appoint Trustees.—The city council of said city may appoint six or more persons of good moral character and qualified voters of said city as a board of trustees of the schools within its limits, of which board the mayor shall be ex officio chairman.

Sec. 109. Term of Office of Trustee.—A school trustee shall serve without compensation and shall hold office for the term of two years and until his successor is qualified, and an appointment to fill a vacancy shall be for the unexpired term only. The terms of two of the trustees appointed hereunder shall expire on the first day of May, 1889, after their appointment, and two on the first day of May of each succeeding year.

Sec. 110. Oath of Trustee.—Before any trustee enters upon the duties of his office he shall swear that he will faithfully and impartially discharge the duties of his office, and will take any other oath that may be prescribed by the city council and file such affidavit with the mayor.

Sec. 111. Trustees may Adopt Rules, etc.—Said board of trustees may adopt such rules, regulations, and by-laws for their own government as they may deem proper.

Sec. 112. Schools under Control of Trustees.—The public free schools of said city shall be under the control and supervision of such board of trustees, and said board when appointed shall have power to control, manage, and govern said schools and order the payment of school funds for school purposes.

Sec. 113. City to Receive Pro Rata of School Funds.—Said city shall receive from the state such pro rata of the available school fund as its scholastic population may entitle it to.

Sec. 114. School Tax Levied, When.—If at an election held for that purpose two-thirds of the qualified voters of the city shall vote in favor thereof, such an amount shall be raised by taxation not to exceed one-half one per cent in addition to the pro rata of the available school fund received from the state as may be necessary to conduct the schools for ten months in the year. Such election shall be held after thirty days notice published in some newspaper of the city upon the petition of at least fifty voters who are tax payers of said city. One election and no more shall be held in any one calendar year to ascertain whether a school tax shall be levied. If the proposition is carried the school tax shall continue to be annually levied and collected for at least two years and thereafter unless it is discontinued at an election held to determine whether the tax shall be continued or discontinued at the request

of five hundred voters who are tax payers of said city. When the tax is continued no election to discontinue it shall be held in two years; when the tax is discontinued no election to levy a tax in the same year. Nothing herein contained shall authorize the imposition of taxes exceeding one and three-fourths per cent of the taxable property of said city for all purposes, and if that limit has at any time been reached there shall be no election to determine whether a school tax shall be levied.

#### ARTICLE VIII.—FIRE DEPARTMENT.

Sec. 115. May Regulate and Control the Erection, etc., of Wooden Buildings. The city council for the purpose of guarding against the calamities of fire may prohibit the erection, building, placing, moving, or repairing wooden buildings within such limits within said city as they may designate and prescribe, and may within such limits prohibit the moving or putting up of wooden buildings from without said limits, and may also prohibit the removal of any wooden building from one place to another within said limits, and may direct, require, and prescribe that all buildings within the limits so designated and prescribed as aforesaid shall be made or constructed of fire-proof materials, and to prohibit the rebuilding or repairing of wooden buildings within the fire limits when the same shall have been damaged to the extent of fifty per cent of the value thereof, and may prescribe the manner of ascertaining such damages; may declare all the dilapidated buildings to be nuisances and direct the same to be repaired, removed, or abated in such manner as they shall prescribe and direct; to declare all wooden buildings in the fire limits which they deem dangerous to contiguous buildings or in causing or promoting fires to be nuisances and require and cause the same to be removed in such manner as they shall prescribe.

Sec. 116. May Prohibit, etc., Dangerous Conditions of Chimneys, etc.—The city council shall have power to prevent and prohibit the dangerous conditions of chimneys, flues, fire places, stove pipes, ovens, or any other apparatus used in or about any building or manufactory, and to cause the same to be removed or placed in a secure and safe condition when considered dangerous.

Sec. 117. May Prevent Deposits of Ashes in Improper Places, etc.—To prevent the deposit of ashes in places where they would be liable to produce fire or in any wooden box or barrel or within any wooden building, and to appoint one or more officers to enter all buildings and inclosures to examine and discover whether the same are in a dangerous state and to cause such as may be dangerous to be put in a safe condition.

Sec. 118. May Require Inhabitants to Keep Fire Buckets.—To require the inhabitants to keep and provide as many fire buckets and ladders or other means to reach the roof as they shall prescribe, and to regulate the use thereof in times of fire.

Sec. 119. May Regulate Carrying on of Business Dangerous in Promoting Fires.—To regulate or prevent the carrying on of manufactories and works dangerous in promoting or causing fires; to prohibit or regulate the building and erection of cotton presses and sheds.

Sec. 120. May Regulate, etc., Use of Fire Works and Fire Arms.—To regulate or prevent and prohibit the use of fire works and fire arms.

Sec. 121. May Control, etc., the Storing of Gunpowder, etc.—To direct, control, or prohibit the keeping and management of houses or any buildings for the storing of gunpowder and other combustible, explosive, or dangerous materials within the city, and to regulate the keeping and conveying of the same.

Sec. 122. May Compel Owners of Buildings to have Scuttles, etc.—To compel the owners or occupants of houses or other buildings to have scuttles in the roofs and stairs and ladders leading to the same.

Sec. 123. May Provide Regulations for Extinguishment of Fires.—To authorize the mayor, officers of fire companies, or an officer of said city to keep away from the vicinity of any fire all idle, disorderly, and suspicious persons and arrest and imprison the same, and compel all officers of the city and all other persons to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat and in preventing goods from being stolen, and generally to establish such regulations for the prevention and extinguishment of fires as the city council may deem expedient.

Sec. 124. May Procure Fire Engines, etc.—The city council may procure fire engines and other apparatus for the extinguishment of fires and have control thereof and provide engine houses for keeping and preserving the same, and shall have power to organize fire, hook and ladder, hose and ax companies, and fire brigades; and the companies so organized, with such assistant engineers as may be provided for and the chief engineer, shall constitute the fire department of the city. Each company shall have the right to elect its own members and officers. The engineers shall be chosen in such manner as said department may determine, subject to the approval of the city council, who shall define the duties of said officers and pass such ordinances as they may deem proper for the interest and welfare of said department and to contribute to the efficiency thereof. All officers so elected and approved shall be commissioned by the mayor, and the said companies, officers, and members shall observe and be governed by the ordinances of said city relating to the fire department, and companies shall have power to adopt their own constitution and by-laws not inconsistent with the provisions of this charter and the ordinances of said city, and said department shall take the care and management of the engines and other implements and apparatus provided and used for the extinguishment of fires, and their powers and duties shall be prescribed and defined by the city council.

Sec. 125. Building may be Torn Down or Blown Up, etc., When, and the Damages in such cases.—When any building in the city is on fire it shall be lawful for the chief or acting chief engineer, with the concurrence of the mayor or in his absence two aldermen, to direct such building or any other buildings which they may deem hazardous and likely to take fire and communicate to other buildings to be torn down or blown up or destroyed, and no action shall be maintained against any person or against the city therefor; but any person interested in any such building so destroyed or injured may within six months and not thereafter apply in writing to the city council to assess and pay the damage he has sustained; and if the city council and the claimant can not agree on the terms of adjustment then the application of such claimant shall be referred to three commissioners, one to be appointed by the claimant, one by the city council, and the third by both commissioners, and the decision of the majority shall constitute the award in the case. They shall be sworn faithfully to execute their duty according to the best of their ability, shall have power to subpoena and swear witnesses, and shall give all parties a fair and impartial hearing, and give notice of time and place of meeting. Said commissioners shall be qualified voters and owners of real estate in the city, shall take into account the probabilities whether the said building would have been destroyed by fire if it had not been so pulled down or destroyed, and the loss of insurance upon said property if any caused by pulling down, blowing up, or destroying said building, and may report that no damage should equitably be allowed to such claimant.

**Sec. 126. Damage, Satisfied How.**—Whenever a report shall be made and finally confirmed for the appraising of said damages, a compliance with the terms thereof by the city council shall be deemed a full satisfaction of said damages.

#### ARTICLE IX.—SANITARY DEPARTMENT.

**Sec. 127. May Appoint Health Physician, etc.**—The city council may appoint a health physician and as many health inspectors as they may deem necessary, and shall prescribe by ordinance the powers and duties and compensation of the same.

**Sec. 128. Power to Make Regulations in Regard to Pestilence and Disease.**—The city council shall have power to take such measures as they may deem effectual to prevent the entrance of any pestilence, contagious or infectious diseases into the city; to stop, detain, and examine for that purpose any person coming from any place infected or believed to be infected with that disease; to establish, maintain, and regulate pest houses or hospitals at some place within the city or not exceeding five miles beyond its bounds; to cause any person who shall be suspected of being infected with any such disease to be sent to such pest house or hospital; to remove from the city or destroy any furniture, wearing apparel or property of any kind tainted or infected with pestilence or which shall be likely to pass into such a state as to generate or propagate disease; to abate all nuisances of every description which are or may become injurious to the public health in any manner that they may deem expedient, and from time to time do all acts, make all regulations, and pass all ordinances which they shall deem expedient for the preservation of health and the suppression of disease in the city, and any claim for damage arising from such destruction of said property shall be submitted to arbitration as provided in section 125 in reference to the settlement of claims for property destroyed in case of fire.

**Sec. 129. Owner, etc., of Public Conveyance Conveying Into City Persons Sick with Contagious Diseases Liable to Punishment, When.**—The owner, driver, or conductor in charge of any stage, railroad car, or public conveyance which shall enter the city having on board any person sick of a malignant fever or pestilential, contagious, or infectious disease, unless such person became sick on the way and could not be left, shall be guilty of a misdemeanor, punishable with fine; and such owner, driver, conductor, or person in charge shall within three hours after the arrival of such sick person report in writing the facts with the name of such person and the house where he was put down in the city to the health physician, and every neglect to comply with these provisions shall be a misdemeanor and punishable by fine.

**Sec. 130. Any Person Liable to Punishment, When.**—Any person who shall knowingly bring or cause to be brought into the city any person or property of any kind tainted or infected with malignant fever or pestilential or infectious or contagious disease shall be guilty of a misdemeanor and punishable by fine.

**Sec. 131. Inn Keeper, Physician, etc., shall Report Persons Sick with Small Pox, etc.**—Every keeper of an inn, hotel, tavern, boarding or lodging house in the city in which any inmate thereof shall be sick with small pox, varioloid, yellow fever, or other infectious, contagious, or pestilential disease, shall upon such facts coming to his knowledge forthwith report the same to the health officer. Every physician in the city shall report under his hand to the officer above named, residence and disease of every patient whom he shall have sick of any infectious or pestilential disease within six hours after

he shall have visited such patient. A violation of either of the provisions of this section or any part of either of them shall be a misdemeanor punishable by fine.

Sec. 132. Power to have City Cleansed, etc.—The city council shall have power to require the filling up, draining, and regulating of any lot or lots, grounds or yards, or any other places in the city which shall be unwholesome or have stagnated water therein or from any other cause be in such condition as to be liable to produce disease; also to cause all premises to be inspected and to impose fines on the owners of houses under which such stagnant water may be found, and to pass such ordinances as they may deem necessary for the purpose aforesaid, and for the making, filling up, altering, or repairing and constructing with sewers and compelling cleanliness of all sinks and privies, and directing the mode and material for constructing them in future, and for cleansing and disinfecting the same, and for the cleansing of any house, building, establishment, lot, yard, or ground from filthy carrion or impure or unwholesome matter of any kind, and to punish any owner or occupant violating the provisions of any ordinance so passed as aforesaid; and the city council shall also in addition to the foregoing remedy have the power to cause any of the improvements above mentioned to be done at the expense of the city on account of the owners and cause expenses to be assessed on the real estate or lot or lots benefited thereby, and on filing with the county clerk of Tarrant County a statement by the mayor of such expenses shall have a first and privileged lien on such property to secure such expenditures and twelve per cent interest per annum thereon. For any such expenditures and interest as aforesaid suit may be instituted and recovery had in the name of the corporation in any court having jurisdiction, and the statement so made as aforesaid or a certified copy thereof shall be full proof and satisfactory evidence of the amount expended in any such improvements.

Sec. 133. Health Physician may be Authorized to Do What.—The health physician may be authorized by the city council when the public interest requires to exercise for the time being such of the powers and perform such of the duties of the chief of police as the city council may in their discretion direct and authorize; to enter all houses and other places private or public at all times in the discharge of his duties under this charter, having first asked permission of the owners or occupants. The city council shall have power to punish by fine any neglect or refusal to observe the orders and regulations of the health physician.

#### ARTICLE X.—STREETS AND ALLEYS.

Sec. 134. Power of City Council to have Streets Graded.—The City Council shall be invested with full power and authority to gravel, repair, pave, or otherwise improve any avenue, street, or alley, or any portion thereof, within the limits of said city whenever by a two-thirds vote of the aldermen elected they may deem such improvement for the public interest: Provided, The city shall pay one-third and the owner of the property two-thirds thereof, except at the intersection of streets from lot to lot across the street either way shall be paid for by the city alone; and said costs shall be assessed against the property fronting on said street so improved, to be collected in accordance with Section 10, Article VI, unless herein otherwise provided. All moneys collected from these assessments shall be appropriated exclusively to the payment of the bonds issued for the payment of the cost of said improvement.

Sec. 135. Estimate of Cost of Improvement.—Whenever the city council shall determine to make any such improvement it shall cause an estimate to

be made by the city engineer or some other officer of the city, or by a committee of three aldermen; and such engineer or other officer or committee shall also report a full list of all lots or fractional lots, giving number and size of same and the number of the block in which situated and the names of the owners thereof if known, and such other information as may be required by the council; and if there be any lot or fractional lot the owner of which is not known the same shall be entered in said list as unknown. It shall be the duty of the officer or committee aforesaid to enter in said list opposite each lot or fractional lot lying and being on each side of the street, avenue, or alley so to be improved as aforesaid one-third of the estimated expense for such work or improvement on such avenue, street, or alley fronting, adjoining, or opposite such lot or fractional lot, and on the acceptance and approval of said report and list by the city council said amount shall be imposed, levied, and assessed as taxes, and shall be a lien upon the property for the payment of the same.

Sec. 136. *Property Levied On and Sold, etc.*—After such action on the part of the city council as above provided for, such officer or committee shall give such notice as may be required by ordinance of said tax being due and within what time payable, and shall commence forthwith to collect the same; and after the expiration of the period for payment of said tax said officer or committee shall levy on so much of any property on said list in which said tax has not been paid as will be sufficient to pay the same, and the same notice of sale as is required in sales for other taxes shall be given; and if said tax be not paid before the day of sale said officer or committee shall sell said property in the name and under the circumstances and to the extent and subject to the same conditions which are or may be provided by ordinance for the sale of real estate in the city charged with the payment of taxes imposed by said corporation; and said officer or committee shall execute a deed to the purchaser at any such sale, and all the provisions of this act in reference to a deed from the assessor and collector shall apply to the deed provided by this section.

Sec. 137. *Suit Against Owner of Property.*—In addition to the authority granted said city council to collect said assessment of taxes as aforesaid, they shall have the power and additional remedy of instituting suit in the corporate name in any court having jurisdiction for the recovery against any owner of property for the amount due for any such work so made as aforesaid, and the city council shall provide by resolution or ordinance under the provisions of this act for carrying out and executing the powers in this chapter conferred, and may adopt such resolutions and enact such ordinances and make such regulations as they may deem necessary.

Sec. 138. *Condemnation of Property for Streets, etc.*—Whenever the city council of said city shall deem it necessary to take any private property in order to open, change, alter, or widen any public street, avenue, or alley, or for the construction of water mains or sewers within or without the limits of said city, such property may be taken for such purpose by first making just compensation to the owners thereof. If the amount of such compensation can not be agreed upon, it shall be the duty of the city council to cause to be stated in writing the real estate or property sought to be taken, the name of the owner, and his residence if known, and file such statement with the county judge of Tarrant County.

Sec. 139. *Judge to Appoint Commissioners.*—Upon the filing of such statement, it shall be the duty of the county judge in term time or in vacation to appoint three disinterested freeholders and qualified voters of the county as

special commissioners to assess the damages to accrue to the owner by reason of such proposed condemnation.

Sec. 140. Commissioners to be Governed by State Laws, etc.—The commissioners so appointed shall in their proceedings be governed and controlled by the state laws in force in reference to the condemnation of the right of way for railroad companies and the assessment of damages therefor, the city occupying the position of the railroad company, and the laws in reference to application for the condemnation of the right of way for railroad companies, including the measure of damages, the right of appeal, and the like, shall apply to an application by said city under this act for the condemnation of property for the purpose of opening, changing, or widening streets, avenues, or alleys, or for the construction of water mains or sewers, the city to occupy the position of the railroad company.

#### ARTICLE XI.—MISCELLANEOUS PROVISIONS.

Sec. 141. Council May Cause Dangerous Buildings to be Removed.—Whenever in the opinion of the city council any building, fence, shed, awning, or any structure of any kind or any part thereof is liable to fall down and endanger persons or property, they may order any owner or agent of the same, or any owner or occupant of the premises on which such building, shed, awning, or other structure stands or to which it is attached, to take down and remove the same or any part thereof within such time as they may direct, and to punish by fine any neglect, failure, or refusal to comply therewith. The city council shall in addition have the power to remove the same at the expense of the city on account of the owner of the property or premises and assess the expenses on the land on which it stood or to which it was attached, and shall by ordinance provide for such assessment, the mode and manner of giving notice, and the means of recovering such expense.

Sec. 142. Execution of Writs in County, etc.—Writs issued by the recorder for offenses against the law may be executed and the accused person arrested by the marshal or any of his deputies or by any policeman of said city anywhere in Tarrant County.

Sec. 143. Proceedings When Peace Bond is Forfeited.—Whenever any person has been required by the recorder to give a peace bond or a bond for good behavior, or any similar bond for good behavior, or any similar bond under this act, and has complied with such requirements, and has violated the conditions of such bond, and the fact is made to appear to the recorder, after due notice to the accused and opportunity to be heard, the offender shall be fined not exceeding the sum of two hundred dollars; and the city may sue in any court having jurisdiction for the recovery of the penalty of said bond. Affidavit must be made charging a violation of the conditions of the bond before the recorder shall proceed to investigate the matter.

Sec. 144. Occupation Licenses Suspended or Revoked.—In all cases where by any provision of this act, or any ordinance passed in pursuance thereof, a person is required to obtain a license for any calling, occupation, business, or avocation, and has on complaint before the recorder been twice adjudged guilty of violating any rule, regulation, or ordinance of the city council relating thereto, the council may suspend or remove the license.

Sec. 145. Official Paper and Contract for Publishing.—The city council shall as soon as may be after the commencement of each municipal year contract by ordinance or resolution with some newspaper published in the city as the official paper thereof and to continue as such until another is elected; and the council shall cause to be published in such paper all ordinances, notices,



and other matters required by this title or any ordinance of the city to be published.

Sec. 146. Annual Statement of Receipts, etc.—The city council shall at least ten days before the expiration of each municipal year cause to be published in the official paper of the city a full and correct statement of all receipts and disbursements of the city since the last annual report, together with the sources from which the funds were derived, and showing for what purpose disbursed, the condition of the treasury, together with such other information as may be necessary to a full understanding of the official condition of the city.

Sec. 147. Ordinance to be Published.—Every ordinance imposing any fine or penalty or forfeiture for violation of its provisions shall after the passage thereof be published in every issue of the official paper for ten days, and affidavit of such publication by the printer or publisher of such paper taken before any officer authorized to administer oaths and filed with the secretary shall be conclusive evidence of such publication: Provided, That any other competent evidence may be received to establish the fact of publication. Ordinances requiring publication shall be in force after ten days publication: Provided, That the same shall be published for a longer time if therein expressly provided. Ordinances not requiring publication—and none shall require publication but those imposing fine, penalty, or forfeiture—shall take effect from and after passage unless therein otherwise expressly provided.

Sec. 148. Published Ordinances Admissible in Evidence.—All ordinances of the city published in book or pamphlet form by authority of the city council shall be admitted in evidence in all courts and places without further proof.

Sec. 149. Style of Ordinances.—The style of all ordinances shall be, "Be it ordained by the city council of the city of Fort Worth;" but it may be omitted when published in the form of a book or pamphlet.

Sec. 150. Existing Ordinances not Affected by this Charter, etc.—All ordinances, resolutions, rules, and regulations in force in said city at the time of the taking effect of this law and not in conflict herewith shall remain in full force until altered, amended, or repealed by the city council after this law shall take effect.

Sec. 151. Fines, etc., to be Paid Into the Treasury.—All fines, forfeitures, penalties, trial fees, and costs for the breach or violation of this act, or of any regulation, order, resolution, or ordinance of said city, shall be collected by the city marshal and by him be paid into the city treasury for the use and benefit of the city.

Sec. 152. Resignation of Officers.—Resignations by any officer authorized to be elected or appointed under this law shall be made to the city council in writing subject to their approval and acceptance: Provided, That no officer shall be released from the duties and responsibilities of his office until his successor has been chosen and qualified.

Sec. 153. Removal of Officers.—The city council shall have power to remove any officer for incompetency, corruption, misconduct, habitual drunkenness, or malfeasance in office, after due notice and opportunity to be heard in his defense: Provided, That two-thirds of the aldermen elected shall vote for said removal. In addition to the foregoing power by removal, the city council shall have power at any time to remove any officer elected by them by resolution declaratory of its want of confidence in such officer: Provided, That two-thirds of the aldermen elected vote in favor of said resolution.

Sec. 154. Outgoing Officers to Deliver Books, etc.—Whenever any person shall be removed from any office or his term shall expire or he shall resign, or for

any reason he shall cease to act in his official capacity, he shall deliver over to his successor all books, papers, and effects in any way appertaining to his office. In case of his failure or refusal to do so upon demand from his successor, he shall be deemed guilty of a misdemeanor and be fined in any sum not exceeding two hundred dollars after complaint and trial before the recorder's court.

Sec. 155. Defaulting Officer Ineligible, etc.—Any officer intrusted with the collection or custody of funds belonging to the city who shall be in default to the city, besides being liable to criminal prosecution and a civil action for the debt, shall thereafter be incapable of holding any office under said city until the amount of his defalcation with twelve per cent per annum has been fully paid.

Sec. 156. Members of Council Ineligible to Other Offices, etc.—No member of the city council shall hold any other employment or office under the city while he is a member of the council unless herein otherwise provided, and no member of the city council nor any other officer of the city shall be directly or indirectly interested in any work, business, or contract, the expense, price, or consideration of which is to be paid by the city, nor to be surety of any person having contract, work, or business with the city for the performance of which surety may be required, nor to be surety on the official bond of any officer of the city.

Sec. 156a. From and after April 1, 1889, each alderman of said city, including those elected at the election held on the first Tuesday in April, 1888, shall receive a salary of four dollars for each regular meeting and two dollars for each called or adjourned meeting.

Sec. 157. Aldermen to be Fined for Absence, etc.—Each alderman shall be fined three dollars for each meeting he fails to attend, unless on account of his own sickness or that of members of his family. Any member remaining absent from three regular meetings of the board, unless prevented by sickness or the sickness of the members of his family, without having first obtained leave of absence at a regular meeting, shall be deemed to have vacated his office, and the vacancy shall be filled as other cases of vacancy in the office of alderman.

Sec. 158. Power of Council to Prescribe Duties of Officers.—The city council shall have power to prescribe the duties of all officers and persons appointed by them or elected to any office or place whatever, subject to the provisions of this law; to remit in whole or in part on such conditions as may be deemed proper by a vote of two-thirds of the members present any fine or penalty or costs belonging to the city.

Sec. 159. City Exempt from Giving Bond in Cases.—It shall not be necessary in any action, suit, or proceeding in which the city of Fort Worth shall be a party for any bond, undertaking, or security to be executed in behalf of the city either in a trial court or appeal; but all such actions, suits, and proceedings shall be conducted in the manner as if such bond, undertaking, or security had been given, and for all the purposes of such actions, suits, and proceedings the city shall be liable in the same manner and to the same extent as if the bond, undertaking, or security in ordinary cases had been duly executed.

Sec. 160. Cemetery Lots Exempt from Forced Sale.—The cemetery lots which have been or may hereafter be laid out and sold for said city for private places of burial shall with their appurtenances be forever exempt from taxes and forced sale.

Sec. 161. Rights, Actions, etc., Not Affected.—All rights, penalties, fines, and forfeitures in suits otherwise which have accrued under the laws hereto-

fore in force shall be vested in and prosecuted by the corporation hereby created, and no pending suit or right of action shall be affected by the passage of this law, but the same shall be prosecuted or defended, as the case may be, by the corporation hereby created.

Sec. 162. Property, Officers, etc., Not Affected by This Law.—All property real or personal belonging to the city of Fort Worth is hereby vested in the corporation created by this act, and the officers of said city now in office shall continue in same until superseded in conformity to the provisions hereof, but shall be governed by the provisions of this act from and after it takes effect.

Sec. 163. Digest of Ordinances, etc.—There shall be a digest of the ordinances of the city which are of a general nature published within four months after the first Tuesday in April, 1889, and a like digest within every period of five years thereafter: Provided, It shall be the duty of each council to cause to be printed in pamphlet form at the end of each municipal year all the ordinances passed during the said year.

Sec. 164. No Fees of Office.—No officer shall receive fees or perquisites of office, but all the officers of said city shall be compensated by salaries to be fixed by the council as hereinafter provided.

Sec. 164a. This act shall be deemed a public law, and judicial knowledge shall be taken of same in all courts and places.

Sec. 164b. Whenever persons shall offer themselves as sureties on the bond of any officer of this city they shall appear before the city council and satisfy the council of the sufficiency of the security tendered.

Sec. 165. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 166. Whereas it is of great importance that the city of Fort Worth shall have power to secure better government of said city, an emergency exists requiring the constitutional rule requiring bills to be read on three several days be suspended and that this bill be placed upon its third reading and final passage; therefore an emergency and a great public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 30 yeas, no nays; and passed the house by a vote of 78 yeas, no nays.]

Approved, March 20, 1889.

#### GALVESTON—AMENDMENT TO THE CHARTER OF THE CITY OF.

Sec.

1. Amends section 3, 46, and 55, of the charter of said city.  
Subsection 3. City council and officers.  
Subsection 46. Disorderly houses, suppression of, etc.  
Subsection 55. Suppression of riots, etc.
2. Amends charter of said city by adding sections 75a, 75b, and 75c.

Sec.

- Section 75a. Power to appropriate money to encourage the enterprise of obtaining deep water.
- Section 75b. Power to appropriate money for the purpose of purchasing site, etc., for medical branch of the university.
- Section 75c. Power to confirm the title of the City Park.
3. Emergency clause.

CHAPTER 6.—[H. B. No. 607.] An Act entitled An Act to amend the charter of the city of Galveston by amending sections 3, 46, and 55 thereof, and by adding thereto sections 75a, 75b, and 75c.

Section 1. Be it enacted by the Legislature of the State of Texas: That sections 3, 46, and 55 of the charter of the city of Galveston be and the same are hereby amended so that they shall hereafter read as follows:

Section 3. The municipal government of said city shall consist of a city council composed of a mayor and one alderman from each ward. A majority of the aldermen elected shall constitute a quorum for the transaction of business, except at a called meeting or meetings for the imposition of taxes when three-fourths of the aldermen elected shall be required unless herein otherwise specified. The officers of the corporation shall be a treasurer, an assessor, a collector, a clerk, a chief of police, an engineer (who shall also be a superintendent of streets), an attorney, an auditor, a health physician, a harbor master, and other officers and agents as the council may direct, all of whom except the clerk shall be nominated by the mayor on the second Monday after each biennial election or as soon thereafter as possible, and each of whom shall be confirmed by a majority of the city council. The city clerk shall be appointed by the mayor on the day above mentioned without requiring the confirmation of the city council. In the event that any nominee of the mayor is not confirmed by the city council, the mayor shall at an adjourned meeting nominate some other person for the office not filled at the regular day, and continue to make a nomination or renomination until some person shall be confirmed by the city council. No person shall be nominated the third time for the same office except by consent of the city council, and the city council can only adjourn from day to day until all of the city officers shall have been nominated and confirmed. Should the mayor fail or refuse to make the nomination or nominations, or after having named four persons for any office all of whom have been rejected by the city council, then in such event the city council shall have the right to elect by a vote of nine some person or office yet unfilled. All of said officers so nominated by the mayor and confirmed by the city council or elected by the city council, and the city clerk appointed by the mayor, shall hold their offices until the second Monday after the next succeeding biennial election and until the appointment and qualification of their successors, unless removed by the mayor or by the city council under authority vested in it by this charter. The duties of the harbor master shall be such as have been or may be prescribed by the city council, and he shall receive for his services such compensation as the city council may determine, not to exceed fifteen hundred dollars per annum, and shall give bond for the faithful performance of his duties in the sum of five thousand dollars.

Section 48. To suppress disorderly houses as defined by the Penal Code of the state, and for this purpose the city council shall provide such penalty as may be provided by the state laws for a similar offense. To suppress by suitable penalties houses of assignation, gambling or gambling houses, or the renting of houses or rooms to prostitutes or for any of the purposes mentioned in this section.

Section 55. To provide for the suppression and prevention of any riot, rout, affray, noise, disturbance, or disorderly assembly in any public or private place within the city; to create, establish, and regulate the police of the city; to appoint policemen and members of the police force and to prescribe their duties, powers, and salaries, giving to the mayor the right to nominate said policemen and members of the police force. All policemen and members of the police force shall be nominated by the mayor on the second Monday after each biennial election or as soon thereafter as possible, and shall be confirmed by a majority of the city council and hold their offices until the second Monday after the next succeeding biennial election, unless removed by the city council. In the event that any person nominated by the mayor shall not be confirmed by the city council, his office or employment in the police department shall thereupon cease and terminate. In the event that any person

nominated by the mayor is rejected or not confirmed by the city council, the mayor shall continue at the same meeting, unless otherwise ordered by the council, to make a nomination of some other person or persons until some person shall be confirmed by the city council. All vacancies shall be filled for the unexpired term by nomination by the mayor and confirmed by the city council as hereinbefore provided.

Sec. 2. That the charter of the city of Galveston be and the same is hereby amended by adding thereto sections 75a, 75b, and 75c, as follows, to wit:

Section 75a. The city council shall have the power to appropriate and expend and sum not exceeding five thousand dollars per annum for the purpose of paying the expenses of any agent or agents they may deem necessary to appoint in fostering and encouraging the enterprise of obtaining deep water from the gulf into the harbor of Galveston.

Section 75b. The city council shall have the power to appropriate and expend out of the reserve fund any sum not exceeding twenty-five thousand dollars to be used for the purpose of purchasing a site or aiding in the erection of buildings for the Medical Branch of the University of Texas at Galveston.

Section 75c. The city council shall have the power to grant and confirm the title to what is known and designated as the City Park, situated east of Tenth Street and north of Avenue A, on such terms as they may deem of public interest.

Sec. 3. Whereas an imperative public necessity exists requiring a better mode for the collection of the revenues of the city, the enforcement of its ordinances, and the construction of public improvements, which creates a special emergency in this case for the immediate operation of this act, therefore the constitutional rule requiring bills to be read on three several days is hereby suspended, and this act shall take effect and be in force from and after its passage.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 80 yeas, no nays; and passed the senate by a vote of 25 yeas, no nays.]

Approved, April 3, 1889.

#### GALVESTON—AMENDMENT TO CHARTER OF THE CITY OF.

Sec.

1. Amends section 116 of charter of said city.

Subsection 116. Commissioners of water works—appointments, qualifications, duties, etc.

Sec.

2. Emergency clause.

CHAP. 7.—[H. B. No. 677.] An Act to amend section 116 of the charter of the city of Galveston.

Be it enacted by the Legislature of the State of Texas:

Section 1. That section 116 of the charter of the city of Galveston be amended so as to hereafter read as follows:

Section 116. There shall be and is hereby created a board called the commissioners of water works, to consist of five members, to be appointed by the mayor and confirmed by the city council, who shall hold their offices for the term of four years and until their successors are duly elected and qualified, except as hereinafter prescribed. Said commissioners shall be entitled to receive such salary as the city council may determine, not to exceed three hundred dollars each per annum payable quarterly. The mayor with the approval of the city council shall have the power to remove any commissioner for cause and to fill any vacancy occurring in said office either from death,

resignation, removal from office, removal from the city, or other cause. All appointments to fill vacancies shall be for the unexpired term. No person shall be eligible to the office of commissioner unless he be thirty years of age, a freeholder, and qualified voter in said city. The mayor shall on the first Monday in July, 1887, or as soon thereafter as practicable, appoint the five commissioners provided for in this act, and said commissioners shall hold their offices two of them for two years and three of them for four years from date of appointment. The mayor shall issue commissions to the persons so appointed, designating the terms for which they are severally appointed, and whenever the term of office of any commissioner expires the appointment of his successor shall be for four years. Said commissioners shall take the oath of office required of other officers of said city and give bond for the faithful performance of their duties payable to the city of Galveston in the sum of ten thousand dollars, to be approved by the committee on finance and revenue of the city council. Upon the appointment and qualification of the commissioners, they shall organize by the election of a president from among their own number and appoint a secretary with such a salary as they may prescribe, and a majority of the commissioners shall constitute a quorum for the transaction of business. They shall advertise and let contracts for the construction of a system of water works according to plans and specifications to be adopted by them; but all contracts shall be subject to the approval of the city council and shall be signed by the mayor and countersigned by the city clerk before the same take effect. Any contract made under the provisions of this section shall state the source of water supply, the location, capacity, and plan of the main reservoir, the location, capacity, and plan of all standpipes and reservoirs in the city, and the location, size, number, and material of all hydrants. Any contract made under this act for the construction of water works shall be paid for by the city with the proceeds of the five per cent forty-year bonds issued for the purpose of constructing water works and by funds set apart for that purpose by the city council in its annual budget. For the purpose of obtaining information and paying their necessary expenses and the expenses of a competent engineer for consulting and advisory purposes, said board is hereby authorized to expend the sum of ten thousand dollars or so much thereof as may be necessary, to be paid by the city council out of the proceeds of sales of bonds to be issued for the construction of water works. The water works, including the collection of water rates, tolls, and revenues, shall be under the control, management, and administration of the board of commissioners. The board shall appoint all officers, agents, and employees that may be necessary for the efficient operation of said water works and prescribe their duties, salaries, and compensation. The board shall adopt rules and regulations for the management of the water works, and shall have authority to remove or suspend any officer, agent, or employee of said department. The board shall have authority to do all work and repairs, purchase all material and supplies, and employ all labor necessary for the efficient operation of the water works; but all contracts involving the expenditure of a sum exceeding one thousand dollars, except for operating expenses, shall be submitted to the city council for their approval. Whenever the city council shall by ordinance provide for the extension of the system of water works along the streets and alleys not supplied in the original plan of the water works, it shall be the duty of the board to contract for the construction of the same in the manner hereinbefore provided, subject to the approval of the city council. The board shall fix and establish a schedule of water rates and tolls and provide the mode and manner of the construction of service pipes and their connection with

the water mains. The board shall collect all water rates, tolls, and revenues and pay the same into the treasury at the end of each week, which shall constitute a special fund to be used for the benefit of the water works and the payment and redemption of the bonds issued for their construction. The city council shall pass all ordinances necessary for the protection and preservation of the water works. The board shall keep a record of their proceedings in a well bound book kept for that purpose; they shall keep a regular set of books showing in detail the business transactions of the board, and shall report to the city council at the beginning of each month the transactions of the preceding month, including a pay roll of its officers, agents, and employees, and a correct account of all collections, purchases, expenditures, and approved claims entitled to payment, which report shall be referred to the committee on finance and revenue of the city council, whose duty it shall be to examine and report on same; and for this purpose said committee shall have the right at all times to inspect and examine the records, papers, and books of the board of water commissioners.

Sec. 2. Whereas the legislature is nearing adjournment, and whereas it is important that the water works system of the city of Galveston should be placed under the control and management of a board of commissioners, therefore an imperative public necessity and emergency exists requiring that the rule requiring all bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is therefore enacted that this act take effect and be in force from and after its passage.

[Note.—The foregoing act originated in the house, and passed the same under suspension of the rules April 6, 1889; and passed the senate by a vote of 26 yeas, no nays.]

Approved, April 8, 1889.

#### GROESBECK—REPEALING CHARTER OF.

- Sec. 1. Repeals act of April 11, 1871, incorporating city of Groesbeck.  
2. Emergency clause.

CHAP. 8.—[H. B. No. 681.] An Act to repeal Chapter 57 of the Acts of the Twelfth Legislature, approved April 11, 1871, entitled An Act to incorporate the city of Groesbeck, in Limestone County.

Section 1. Be it enacted by the Legislature of the State of Texas: That Chapter 57 of the Acts of the Twelfth Legislature, entitled An Act to incorporate the city of Groesbeck, in Limestone County, approved April 11, 1871, be and the same is hereby repealed.

Sec. 2. The near approach of the close of the present session of the legislature creates an emergency and imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended.

[Note.—The foregoing act originated in the house, and passed the same by a four-fifths vote; and passed the senate by a four-fifths vote.]

Approved, April 5, 1889.

**GULF, COLORADO AND SANTA FE RAILWAY COMPANY—ACT CONFIRMING TITLE TO CERTAIN RAILROADS PURCHASED.**

- Sec. 1. Ratifies and confirms title to the railroads mentioned, etc.  
2. Emergency clause.

CHAP. 9.—[S. S. B. No. 247.] An Act to ratify and confirm the title of the Gulf, Colorado and Santa Fe Railway Company to the Central and Montgomery Railroad, and to the Chicago, Texas and Mexican Central Railroad, and to all property of the companies which constitute said roads, and to authorize the said Gulf, Colorado and Santa Fe Railway Company to own and operate said road under its charter.

Section 1. Be it enacted by the Legislature of the State of Texas: That the purchase heretofore made by the Gulf, Colorado and Santa Fe Railway Company of all the property, rights, privileges, and franchises of the Central and Montgomery Railway Company and the Chicago, Texas and Mexican Central Railway Company, including the railroads constructed by said companies, are hereby sanctioned, ratified, and confirmed; and the said Gulf, Colorado and Santa Fe Railway Company being recognized as the owner of the same is hereby authorized to own, operate and maintain said railroads under its own charter as though said railroads had been originally constructed under said charter. The said Gulf, Colorado and Santa Fe Railway Company shall hold the property real and personal by the same title that it was held by the railroad company from which it was acquired, and shall not be allowed to make any defense to any claim or charter obligation against it on account of said property or its duty to the public that the said railway company from which it so acquired it could not make (if it were the party defendant.) The said Gulf, Colorado and Santa Fe Railway Company shall be liable for all valid claims and for all obligations to the public that existed against either of the said railway companies at the time of the purchase from it. The rights of any and all parties having suits or claims against said companies or either of them shall remain against the said Gulf, Colorado and Santa Fe the same as they were against the company from which the said purchase was made: Provided, That if under its charter or existing laws the Central and Montgomery Railway Company is under obligation to maintain a depot at the town of Montgomery, where it was first established, and the Gulf, Colorado and Santa Fe Railway Company shall hereafter fail to maintain the same there, then all the rights granted hereby shall be forfeited to the state on proceedings that may be instituted by the attorney-general.

Sec. 2. The near approach of the close of the present session of the legislature creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 25 yeas, no nays; and passed the house by a vote of 77 yeas, no nays ]

Approved, March 27, 1899.

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**HENRIETTA—ACT VALIDATING INCORPORATION OF.**

- Sec. 1. Validating the incorporation.  
2. Emergency clause.

CHAP. 10.—[S. B. No. 380.] An Act to validate the incorporation of the city of Henrietta, Texas, under the provisions of Title XVII (seventeen), Chapter 1, of the Revised Statutes of the State of Texas.

Section 1. Whereas doubts exist as to the validity of the acts incorporating the city of Henrietta as a city containing one thousand (1000)



inhabitants or more, and said city has been acting as such incorporation for more than five (5) years and has taken charge of the public free schools thereof as such incorporated city, and it has been proven to this body that notice for more than thirty (30) days has been given as required by law that an application would be made for the passage of this act: Therefore,

Be it enacted by the Legislature of the State of Texas: That the incorporation of the city of Henrietta be and the same is hereby declared to be as legal and valid as if the original acts of incorporation as well as the acts of assuming control of the public free schools therein had been in strict compliance with the requirements of law.

Sec. 2. Whereas the present session of the legislature is rapidly drawing to a close and the public good of said city of Henrietta demands the immediate passage of this bill, therefore an imperative necessity exists requiring that the constitutional rule requiring bills to be read on three several days be suspended and that this bill be put upon its final passage, and it is so enacted and this bill shall take effect from and after its passage.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 25 yeas, no nays; and passed the house by a vote of 86 yeas, no nays.]

Approved, April 3, 1889.

#### HOUSTON—AMENDMENT TO CHARTER OF CITY OF.

Sec.

1. Amends section 7 of city charter.
  - Subsection 7. Aldermen—qualifications, election, term of office, etc.
  - Subsection 14. Officers to be elected and appointed.
  - Subsection 15. Recorder—jurisdiction, powers, duties, salary, etc.
  - Subsection 23. Streets, alleys, public grounds, etc., under control of city council.
  - Subsection 23a. Sidewalks, sewers, improvements, etc., to be made by city council.
  - Subsection 23b. Street improvements, etc., how made, etc.
  - Subsection 23c. Assessments for such improvements.

Sec.

- Subsection 23d. Notice of assessment, etc., to property owners.
- Subsection 23e. Assessments, when due, etc.
- Subsection 23f. Improvement certificates to be issued, etc.
- Subsection 23g. Improvement certificates are liens on property improved, etc.
- Subsection 23h. Board of public works—powers, duties, etc.
- Subsection 23i. Work of sanitary character, the costs thereof, etc.
- Subsection 23j. General powers and duties of city council.
- Subsection 33. Collection of taxes.
- 2. Emergency clause.

CHAP. 11.—[H. B. No. 7.] An Act to amend sections 7, 14, 15, 23, and 33 of the charter of the city of Houston.

Section 1. Be it enacted by the Legislature of the State of Texas: That section seven of said charter shall hereafter read as follows:

Section 7. That each ward in the city may be divided into as many sections and as many polling places as may be prescribed in said sections as the city council may see fit and proper, and each ward in the city shall be represented in the city council by two aldermen who shall hold office for two years and until their successors are elected and qualified. Said aldermen shall be elected by the qualified voters of the ward for which they stand, and all voters shall have resided in such ward at least thirty days next preceding any election, and no person shall be competent to fill the office of alderman unless at the date of his election he be a qualified voter of the city and of said ward and a freeholder owning real property in said city.

That section fourteen of said charter shall hereafter read as follows:

Section 14. That there shall be elected by the qualified voters of said city a city attorney, a treasurer, a city marshal, an assessor and collector of taxes, a market master, a city recorder, a street commissioner and health officer, and city scavenger, who shall hold their respective offices for two years and

until their successors are qualified, unless sooner removed by the city council: Provided, That the present officers of said city shall hold their offices until the next election of city officers as prescribed by the ordinances now in force. The assessor and collector may appoint one or more deputies, for whose conduct he shall be responsible, and such deputy or deputies shall have power to perform any act which may be performed by the assessor and collector in person. The mayor shall appoint a secretary and a superintendent of public schools, whose appointment shall be confirmed by the city council, who shall hold their respective offices for two years and until their successors are qualified and shall perform such duties as may be prescribed by the city council.

That section fifteen of said charter shall hereafter read as follows:

Section 15. That the recorder of said city, besides such jurisdiction as may be prescribed by the city council not inconsistent with the constitution and laws of the state, may exercise such other criminal jurisdiction that is now exercised or may hereafter be exercised by justices of the peace and such as may be conferred by general laws on mayors or recorders; but when any person has been convicted before a justice of the peace for any offense committed in said city against a general law such person shall not be tried again for the same offense before said recorder. The rule of procedure in courts of justice of the peace in criminal matters shall govern the recorder in all matters of practice, and appeals shall be from his decisions in like manner. In the absence of the recorder, or in case of his inability to hold his court, any justice of the peace may hold the same, and the acts and judgments of such justice shall have the same force and effect as those of the recorder. The recorder shall have the same power to administer oaths, punish for contempt of his court, to summon witnesses and compel their attendance by process, to summon jurors and compel their attendance, as justices of the peace have. Such recorder's court shall be open daily and the accused shall have a speedy public trial. The salary if any and fees of such recorder's court shall be determined by the city council, and such recorder shall from time to time as required report to the council and do and perform such duties properly appertaining to the office as may be prescribed by the city council: Provided, That all process beyond the city limits shall be directed to and executed by the sheriff or some constable of the county.

That section twenty-three of said charter shall hereafter read as follows:

Section 23. The city council shall have the exclusive control and regulation of all streets, alleys, public grounds, and highways within the corporate limits of the city, and shall have power to abate and remove encroachments thereon in a summary manner, to put drains and sewers therein, and when necessary to appropriate private property for that purpose; to permit, prevent, and regulate the laying of gas and water mains therein and the erection of telegraph, telephone, and electric light poles therein; to impose such terms as to them may seem proper for the use of streets and sidewalks for any purpose whatever by any corporation, and to demand and collect for the use of the same such compensation as to the said city council shall seem meet and proper; to regulate, establish, and change the grade of all sidewalks, streets, and premises, and to require and compel the cutting down or filling up or raising of such streets and premises; to construct, regulate, and keep in repair all bridges, culverts, sewers, and crossings, and to control and regulate the use of the same; to construct, regulate, and keep in repair all necessary sidewalks and footways and streets; to grade, cut down, and fill up the same; to regulate the use and abate and remove encroachments and obstructions thereon and to compel the removal of the same, and to punish

any person or corporation, by fine or imprisonment or by the imposition of a penalty to be collected in a civil suit, who shall encroach upon or obstruct the same or who shall fail to have such encroachment withdrawn or such obstruction removed after being notified by the proper officer to remove or withdraw the same, and to provide by ordinance that each day such encroachments or obstructions are permitted to remain after notice is served shall constitute a separate offense.

Section 23a. The city council shall fix and determine the nature and extent of all sidewalks, streets, drainage, and sewerage improvements and decide as to the kind of material to be used. The cost of constructing all sidewalks, footways, and curbing and the cost of grading, shelling, paving, repairing, or otherwise improving any avenue, street, alley, or other highway or any portion thereof within the limits of the city, and the cost of all drains and sewers laid and constructed within the city, together with the cost of collection thereof, may be defrayed in whole or in part and in such proportion as the city council may direct by the owner or the owners of the lot or block, or tract of land when not laid out in blocks and lots, abutting on such street or portion of street improved or on the streets within such sewerage or drainage district, which sum shall be a tax and charge against the person or persons owning such lot, block, or tract of land at the time such tax or any portion thereof shall become due and a lien and incumbrance upon the land itself, and said tax against the property owner may be collected and the lien upon the property foreclosed in any court having jurisdiction whenever by a vote of two-thirds of the aldermen elected such improvement shall be declared necessary for the public interest. The city shall by resolution duly passed designate the street or parts or sides of any street on which sidewalk improvements are to be constructed and the general nature of the improvements to be made and the material to be used: Provided, however, Provision may be made in such resolution for receiving bids on more than one kind of material or for different modes of construction. Said resolution shall state in case of sidewalk improvements how the cost of sidewalks on the corners of any block shall be assessed, and said resolution may be amended or changed by a two-thirds vote of the city council at any time previous to the publication of the advertisement for said bids. Where sewerage or drainage improvements are contemplated said resolution shall define the district within which property will be assessed for the payment of the same. The cost of paving any street intersection under the provisions of this act shall be borne by the city, and the city council is hereby authorized to levy an annual ad valorem tax not exceeding one-fourth of one per cent per annum for the purpose of paying for the paving of intersections or for the purpose of paying the interest on improvement certificates issued for such intersections. A street intersection as here used shall be deemed to mean all that portion of the street improved within an extension of the curbed lines of the intersecting streets. Any railroad or street railway company shall be liable for the cost of grading, paving, or otherwise improving the portion of the street or intersection used or occupied by such railway company, and such costs shall be a lien upon the property and franchises of that company. The portion of the street occupied by any railroad or street railway company shall be deemed to mean all that portion of the same between the rails and to the outer edge of the rail of such road. Any railroad or street railway company having an easement in any land not in but abutting on the street shall be liable for the street, sidewalks, drainage, or sewerage improvements in the same manner as though it were the owner of such land, and a lien shall exist on such land to secure the cost of the improvement. Should any railroad or

street railway company propose to lay a track on any street or portion of a street which shall have been improved under the provisions of section twenty-three et seq. of this act it shall become liable, according to the portion of the street occupied by such company as defined above, for such portion of the cost of the improvement as is represented by the portion which the installments or payments for the same yet to become due bears to those that shall have become due at the time such street railway or railroad company proposes to occupy the street. Such amount collected shall be credited on the certificates already issued against abutting property, and the city council shall by ordinance provide the form and manner of collecting and disbursing the same. Before any railroad or street railway company shall be permitted to occupy such improved street or portion of street it shall file with the city secretary in writing an acceptance of the terms on which its occupancy of the same shall be permitted as may be provided in said ordinance. The city council shall have power to provide by ordinance for the laying out of drainage and sewerage districts and to provide for the cost of constructing main and lateral drains in such districts by assessment against the owner or owners of the lots, blocks, or tracts of land when not laid out in blocks and lots, within such district, according to the number of feet of frontage on the street within such district as is the case of sidewalks and street improvements, and may provide that such additional proportion of the cost of main sewers or drains shall be assessed against the property abutting upon the street or streets through which such main sewers or drains may be constructed as they may deem just and equitable; and main sewers and drains may be constructed and the cost of the same assessed against on the land within such district in contemplation of lateral or cross sewers or drains being constructed within such district at some future time. Nothing in this act shall be construed to prevent the city council from constructing sewers and drains or making street improvements in whole or in part at the expense of the city should it be deemed advisable so to do by the said city council: Provided, That such sewers shall be made of vitrified pipe or other lasting material of like character not less than six inches nor more than twenty-four inches in diameter.

Section 23b. After the passage of the resolution referred to in the next preceding section it shall be the duty of the city council to have the same advertised for not less than four days in some newspaper published in the city of Houston, and no further action in regard to the proposed improvement stated in said resolution shall be taken until after the lapse of ten days from the first publication thereof. Should parties owning property having in the aggregate a minority of the feet frontage on the street or portion of street to be paved or on which sidewalks are to be constructed as stated in said resolution be dissatisfied with the proposed material to be used in constructing such improvements as stated in said resolution and shall affix their signatures, with the number of feet frontage owned by each respectively, to a document stating the material agreed upon and desired by them to be used in constructing such improvement, it shall be the duty of the city council to amend said resolution and make it conform to the wishes of such majority of property owners, and the specifications and plans prepared shall be in harmony with said resolution as thus amended. The city council shall be exclusive judges in determining whether or not any change relating to the material to be used is desired by parties owning property having in the aggregate a majority of the feet frontage on the street or portion of the street to be improved, and their decision of the matter shall be final and conclusive, nor shall such decision in any way affect the validity of assessments made under such resolution. After the passage of such resolution referred to above, it

shall be the duty of the mayor to have the necessary plans and specifications for such improvement prepared by the city engineer in accordance with the terms of said resolution, which plans and specifications when prepared and adopted by the city council shall be filed for public inspection in the office of the city secretary: Provided, however, That should the city have a board of public works they shall be consulted and advised with in the preparation of said plans and specifications and they shall report upon the same to the city council before the same are approved by the council. After said plans and specifications shall have been approved bids for the construction of such improvements shall be solicited by advertisements duly made, which advertisements shall refer to said plans and specifications on file as aforesaid, and shall state whether said improvements are to be paid for in whole or in part in cash in improvement certificates, as shall have been previously determined by city council.

Section 23c. After the bid for the construction of sidewalk, street, drainage, or sewerage improvements shall have been accepted by the council, and a contract for the construction of the same shall have been entered into, it shall be the duty of the mayor as the work progresses to cause to be prepared by the city engineer a roll or rolls showing the number of lots and blocks, or names of the tracts of land when not divided into lots, fronting on such street, alley, or avenue to be improved, and in case of sewerage or drainage improvements within the district provided for the names of the owner or owners of each lot, part lot, block, or tract of land, if known, and if unknown it shall be so stated, the number frontage of each lot, part lot, block, or tract of land, and the total cost of such improvement necessary to be borne by each and to be paid for by each owner of such property described in such rolls, the correctness of said roll or rolls shall be certified to by the city engineer and by the board of public works should such board be created, and the same shall be filed in the office of the city secretary and treasurer for public inspection. If owing to the shape of any block or blocks or to the angle of any street, or for any reason whatsoever, it shall be deemed by the city council impracticable or inequitable to assess the cost of streets, sidewalks, drainage, or sewerage improvements in the manner precisely as provided for in this act, then the same shall apportion in such manner as in the opinion of said city council will conform most nearly to the spirit and interest [intent] of the provisions of this act; and their apportionment of the same in any event, as shown by the roll of ownership and their final approval of said roll, shall be conclusive.

Section 23d. On the filing of said roll or rolls in the office of the city secretary and treasurer, it shall be the duty of the mayor to cause to be published for not less than four days in some daily newspaper published in the city of Houston a notice in form substantially as follows: "Persons owning property on (here insert the name of the street or streets or portions of the same described in or referred to in said roll) are hereby notified that the rolls of ownership showing the amount of the special assessment levied against the owners of the property on the above named streets to cover the cost of improvements made in accordance with the resolutions of the council adopted (here insert the date of the resolution) are on file in the office of the city secretary for inspection in order that all persons interested therein or to be affected thereby may have an opportunity of calling the attention of the city council to any errors or mistakes connected with such assessments levied against property owned by them as shown by said rolls." The publication of such resolutions together with the advertisement for said bids and the publication of said notice next above referred to shall be notice to all persons own-

ing property against which any special assessment for sidewalk, street, drainage, or sewerage improvement may be made of the pendency of the proceedings had and to be had and acts taken and to be taken in reference to the same, and such persons shall be permitted after the publication of said resolution and previous to the final approval of said rolls by the city council by petition to the city council filed with the city secretary and treasurer to object to any such acts and proceedings and to show wherein they have been wronged or injured thereby and to ask for the rescission or correction of the same, and they shall be permitted to appear in person or by attorney before said council and to obtain redress for such wrongs or injury as they may point out and establish to the satisfaction of said council, nor shall such roll be finally approved by the city council after the filing of such petition by any property owned so affected or liable to be affected by the same until such petition shall have been acted upon by the city council. On the filing of said rolls in the office of said city secretary for public inspection as aforesaid, it shall be the duty of the city secretary to mail a copy of said notice to the postoffice address so far as known to him of all persons whose names appear on said roll. And where the postoffice address of any person named on said roll is unknown to said city secretary he shall address the letter containing said notice to Houston, Texas: Provided, however, That failure on the part of said city secretary to comply with the provisions above stated in respect to mailing said notice to any person named in said rolls shall in no wise impair or affect the validity of said roll or the validity of the assessment provided for by the same.

Section 23e. The sum assessed against each separate tract of land described in said assessment roll shall be divided, except in the case of sidewalk, sewerage, or drainage improvements, into five annual installments. The first of said installments shall become due when the work on each respective block or tract of land referred to in said roll, to pay for which the assessment is levied, shall have been completed and accepted by the city, and one of each of the remaining installments shall become due on a certain day in each year therefor. On each of the respective days last referred to the entire interest on the whole amount of the principal then unpaid shall also become due. The entire amount assessed against each tract of land shall bear interest from the date of the acceptance of the work at the rate of eight per cent per annum until maturity, and each installment shall bear interest at the rate of ten per cent per annum after the maturity of the same. Failure to pay any two installments of principal and interest when due shall cause subsequent installments of principal to mature and become due and authorize a foreclosure of the lien for all installments of principal unpaid, together with the collection of ten per cent attorney's fees, after demand for payment shall have been made. After said roll of ownership shall have been finally approved by the city council, it shall be the duty of the city secretary to divide the sum assessed against each separate tract of land described in such roll by the number of installments provided for and to add to each installment the amount of interest annually to become due on the entire amount of the principal unpaid at the maturity of each installment, which sum shall be the amount of principal and interest due for each year respectively on such tract of land; and he shall preserve as an archive of his office a roll showing the result of such calculation, and the same shall be labeled and filed by him with the date of such filing indorsed thereon.

Section 23f. For the total sum of money assessed against each separate tract of land or other property named in said assessment rolls an improvement certificate shall be issued. It shall show the amount for which it is

drawn, which sum shall be the sum named in said roll assessed against the property described in said certificate; the number of the lot or lots and block or description of the property upon which the said sum of money is a lien and the number of feet frontage on which the assessment is based; the name of the property owner from whom the tax is owing; that said sum of money is a tax against such property owner named therein, and a lien upon the property described; the date of its issuance, which date shall be the date of the acceptance of the work by the city; that it is issued for street, sidewalk, sewerage, or drainage improvement, as the case may be, naming the street on which said improvement is located; the date of the resolution authorizing the construction of the improvement, and that it is issued by the authority of section 23 et seq. of the charter. Such certificate shall also show that said amount named therein is payable in equal annual installments, naming the number of such installments, the date when the first installment becomes due, and that one of each remaining installments will become due on the same day of each year thereafter until all are due, and that the entire amount of principal at any time unpaid bears interest from the date of the certificate at the rate of eight per cent per annum until maturity, and that each installment of principal will bear interest at the rate of ten per cent per annum after maturity of the same, and that failure to pay any two installments of principal when due with interest then due will cause all subsequent installments of principal to mature and become due, and authorize a foreclosure of the lien for all installments of principal unpaid, together with the collection of a penalty of ten per cent for attorney's fees, after demand for payment shall have been made. There shall also be attached to said certificate as many coupons as there are installments of principal and interest provided for in the same, each of which coupons shall show the date of such certificate, the date when such coupon is due, the amount of principal represented by the coupons, the amount of interest represented by the same, and the total amount of such principal. Such certificates when so issued shall be prima facie evidence that all prerequisites required by law pertaining to the levying of said assessment and the issuance and delivery of said certificates have been complied with, and the same shall be assignable in such manner as the city council may direct. Such certificates may be delivered to the contractor or person entitled to receive the same. Should the property owner fail to pay the amount of said certificate when the same becomes due, or when any installment provided for in the same becomes due, the owner thereof may institute suit for the enforcement of the tax and the foreclosure of the lien provided for in any court having jurisdiction.

Section 23g. The levying of said tax and the making of said assessment and the issuance and delivery of said certificates shall constitute a proceeding in rem. against the land itself, and the persons named in said certificates shall not be deemed necessary parties in suits brought on the same, and each respective tract of land shall be charged with and be liable for the proportionate cost of any improvement made under this act to the extent provided for in the act, notwithstanding any mistake, omission, irregularity, or default made in the preparation of said roll or connected with the form and mode of levying said tax and making said assessment, and in any event the owner of the property shall be liable for the value of the work done and improvements made, and a recovery quantum meruit for the value of the same shall be had. On any day on which an installment of principal and accrued interest or any improvement certificate is due the owner of the property against which it is a charge shall have the right to take up and cancel such certificate on the payment to the holder thereof the amount of principal unpaid, with accrued

interest, or by depositing with the city treasury on such day the entire amount unpaid on such certificate. It shall be the duty of the city attorney or of the attorney acting in such capacity, at the request of the mayor or any member of the city council, to prepare such resolutions as may be desired relative to the construction of the improvements provided for in this act, and he shall endorse on the draft of such resolutions, when so prepared by him and before action is taken on the same by the city council that such resolutions are in due form of law as required by the terms of the city charter, and he shall also indorse a certificate to the same effect signed by him on said roll of ownership before the same shall be submitted to the city council for final approval.

Section 23h. There shall be appointed by the mayor and confirmed by a majority of the votes of the city council three citizens of Houston who shall constitute a board of public works. They shall hold office for two years and shall act gratuitously. They shall be allowed however the sum of five hundred dollars annually or such portion of the same as they may require to cover expenses if any which they may incur in performing the duties of their office. It shall be their duty to prepare and recommend to the city council comprehensive plans for sidewalk, street, sewerage, and drainage improvements, including the material to be used, and all other matters pertaining to the construction of such improvements. All matters involving an outlay of as much as five hundred dollars pertaining to any improvement of the charter [character] above mentioned shall first be referred to them, and an interval of not less than ten days after such reference is formally made by the city council shall be allowed them in which to report upon the same to the said council, and it shall be their duty to examine, pass upon, and report to the council all plans and specifications relating to such improvements before the same are finally approved by the city council. They shall also pass upon all bids received on matters relating to said improvements and recommend such action in reference to the same to the city council as they may deem expedient. They shall also examine and pass upon all public works constructed for the city where the contract exceeds five hundred dollars, and such work shall not be accepted by the city until their report in reference to the same shall have been laid before the city council or until after the expiration of days from the time when the matter shall have been referred to them.

Section 23i. The city council shall have authority by resolution duly passed to order the filling up or drainage of any lot or parcel of land on which water has become or may become stagnant, or the constructing, rebuilding, or repairing of any sidewalk, or the doing of any work of a sanitary character on any street or tract of land within the corporate limits of the city, and may provide for the cost of the same being charged and taxed against property owners and made a lien upon the premises on or abutting which said work may be done. Whenever the city council shall order the filling up or drainage of any lot or parcel of land on which water has or may become stagnant, or the construction, rebuilding, or repairing of any sidewalk, or shall order the doing of any work of a sanitary character upon any tract of land within the corporate limits of the city of Houston or the making of any improvements the cost or expense of which in whole or in part they may deem it just and proper to be made chargeable to or assessable on or against private property, and the same shall be done otherwise than by contract, it shall be the duty of the officer or the person under whose supervision the same is done to keep a correct account of the cost and expense thereof, and upon its completion he shall report the same to the city council, together with a description of each lot or parcel of land subject to assess-



ment therefor, the name of the owner if known, the amount proportionally assessable thereon, together with the character of the work done, the cost of the material used, and the expenses for the labor required therefor and including therein as near as shall be reasonably practicable. Upon the filing of such report it shall be the duty of the city council or some committee whom it may designate to make or cause to be made assessment rolls or lists of assessments showing the work or improvements for which the assessments are to be made, and a description of each lot or parcel of ground specially assessed, the name of the owner thereof if known, and the amount assessed against the same, with such other particulars if any as they may deem desirable or necessary, and shall file the same in the office of the city secretary and treasurer, which report shall be published in some daily newspaper published in said city for three days, and any owner or owners aggrieved or having any objections to such special assessment against his or their property as aforesaid shall within ten days of the publication of said report file in writing with said city secretary any objection he may have thereto, which objection shall be acted upon by the city council at its next regular meeting thereafter if practicable, and shall be heard and determined. After all objections to said roll have been heard and all proper corrections made the same shall be adopted and approved by the city council and placed in the hands of the city assessor and collector for collection, and he shall add the same to the assessment rolls in his office as a separate assessment upon the property described in the same, and the same shall be collected as other taxes.

Section 23j. The city shall have power to enforce the observation of ordinances adopted by the city council either by the imposition of penalties to be collected by civil proceedings in suits brought by the city or by fine and imprisonment as may be deemed most expedient: Provided, however, That no penalty imposed for the violation of any ordinance shall exceed the sum of one hundred dollars, and there shall be only one recovery had for all acts committed previous to the institution of a suit for the recovery of such penalties, and any person or corporation violating an ordinance of the city of Houston to enforce the observance of which a penalty may have been imposed in lieu of a fine shall be liable to the city in a civil suit brought for the amount of such penalty in either of the justice courts of precinct No. 1, in Harris County, Texas. The city council shall have power and authority to secure the safety and convenience of passing in the streets, sidewalks, and other places in the city: to fix the squaring and to prevent encroachments and obstructions on the streets, sidewalks, squares, ways, levees, and public roads and places; to fix the place for anchoring of water craft on Buffalo Bayou; to establish an active system of inspection over the conduct of persons and premises; to prevent cattle, horses, swine, goats, geese, and animals from running at large in the streets or within such prescribed limits as may be established by the city council; to establish and maintain a city police, prescribe the duties of policemen, and regulate their conduct; to provide for lighting the streets, and for this purpose may establish gas works for the manufacture of gas for the use of the city and the inhabitants thereof at cost price; to determine in what part of the city slaughter houses, bone boilers, soap makers, or other establishments of any business which is or may be injurious to the value of adjacent property or unwholesome or disagreeable to the occupants of adjacent property shall not be allowed to be erected; to determine in what part of the city wooden buildings shall not be erected; within the limits prescribed no person shall be permitted to erect such buildings; to prevent gunpowder or other explosive materials, kerosene oil or other inflammable oils, being stored within the city limits in such quantity as to endanger

the safety of adjacent property; to provide means for the protection against and extinguishment of conflagrations, and for the regulation, maintenance, and support of a fire department; to permit or forbid theaters, balls, or other public amusements, and to suppress the same whenever the preservation of order, tranquility, or public safety may require; to close dram shops, drinking saloons, and other places where intoxicating liquors are sold whenever necessary or expedient; to define what shall be a nuisance in said city and to abate them by summary proceedings; to prohibit and punish keepers and inmates of bawdy houses and determine such inmates and keepers to be vagrants and to prescribe the punishment of such persons; to provide a work house for vagrants and disorderly persons who are unable to pay fines, and to make regulations concerning the same; to regulate weights and measures, fix standards of weight and measure, and to fix penalties for not using the same; to provide and keep a city prison; to make all needful and proper regulations concerning bakers, butchers, keepers of taverns, grog shops, and other public houses, draymen, horse drivers, water carriers, omnibus drivers, hack drivers, and drivers of baggage wagons, and especially to preserve order and prevent noise and confusion in and about the several depots on the arrival and departure of railway trains; to prevent extortion by carriers of passengers or baggage, hacks, drays, and all public conveyances, by establishing maximum rates of charges; to suppress gambling houses and to punish keepers of gambling houses and all persons who play at cards or games of any kind, and to punish persons who sell lottery tickets or who advertise lottery drawings or schemes and the result of the drawing of lotteries; to direct and control the laying and construction of railroad tracks, turnouts, and switches, and that they be required to be constructed and laid so as to interfere as little as possible with the ordinary travel and use of streets; to require railway companies to keep the streets through which they run in repair and to light the same whenever deemed necessary; to construct and keep in repair bridges and crossings at the intersections of streets and avenues and over all ditches, sewers, and culverts on the line of the railways; to regulate the speed of engines and locomotives within the city, and generally to make and establish all rules, regulations, by-laws, and ordinances which may contribute to and promote the better administration of the officers [affairs] of said city, as well as for the maintenance of the peace, tranquility, and safety of said city, and for the protection of the persons and property of its inhabitants. The city council of the city of Houston are hereby empowered and authorized to take and condemn land and real estate in said city to the public use, viz: For streets, alleys, and public highways; for extending, straightening, and widening those streets now in use; for public wharves and landing places for steamers and other water craft, and for public squares, parks, and pleasure grounds. For the condemnation of any land or real estate the following proceeding shall be had: The city attorney or attorneys elected by the city for that purpose shall file a petition in the district court of Harris County against the owner of the land or real estate sought to be condemned for any of the purposes aforesaid, setting forth:

First—The name or names and residence of the owner or owners if known, and if unknown the same shall be stated.

Second—The description by metes and bounds of any actual survey had for that purpose of the land or real estate sought to be condemned.

Third—The purpose for which the same is proposed to be taken and applied.

Fourth—The supposed value of the property to be condemned. The prayer that the same be condemned to the public use for the purposes stated.

And upon the filing of such petition like proceedings shall be had hereon as in other civil suits, and when personal service cannot be had by reason of the defendant being a non-resident or unknown, service by publication shall be made as provided in other cases in the district court, and upon trial the court shall proceed to render judgment condemning the land to public use upon the payment of the value thereof as assessed by the jury, and upon any suit being brought thereafter against the said corporation for such property so condemned a copy of the judgment and an actual tender of the money in court shall be sufficient answer in bar of a recovery in any such suit. All costs of proceeding for the condemnation of real estate under this act shall be taxed against the plaintiff, including reasonable fees of the attorney which the court shall appoint to represent the defendant when cited by publication. No person shall erect any building or fence in the city without first obtaining a permit from the mayor and having the lines of his property established by the city engineer: Provided, That fences may be constructed on interior lines without such permit and the lines of property not subdivided into lots or blocks may be established and fences built thereon without such permit, but all permits for building houses or fences shall be issued by the mayor and city engineer free of charge. The city council may provide, own, and maintain water works for the use of the city and its inhabitants, and may regulate water rates in said city, and may regulate also the price of bread when sold by bakers.

That section 33 of said charter shall hereafter read as follows:

Section 33. That the city council may and shall have full power to provide by ordinance for the prompt collection of all taxes levied, assessed, and due or becoming due to said city, and to that end may and shall deem necessary to the levying, laying, imposing, assessing, and collecting of any of said taxes; and to regulate the mode and manner of making out tax lists and inventories and the appraisalment of property thereon and to prescribe the oath that shall be administered to each person on such rendition of property; and to prescribe how and when property shall thus be rendered; and to fix the duties and define the power of the assessor and collector of taxes. All taxes due by property owners as appears upon the rolls of said city and upon rolls prepared and completed up to the first day of July, 1889, may be collected by suit from delinquents and foreclosure of the lien thereon in any court having jurisdiction of the same; but no suit shall be brought for taxes assessed after the first day of July, 1889. The city council shall have full power and authority to provide by ordinance for the appointment of a board of appraisalment and to regulate their duties and to provide for notices to be given to tax payers to appear before such appraisers, and all determinations of such appraisers shall be final. The city council shall have full power and authority to provide for seizure by the assessor and collector and sale by him of any personal property for taxes due on personal property without the necessity of any writ, and such tax roll shall be sufficient warrant for such seizure and sale by the assessor and collector of taxes. And to provide by ordinance that any firm, corporation, or person owning or controlling property in said city subject to a tax and failing or refusing to render or list inventory or appraisalment thereof, verified by affidavits, shall be liable to a fine upon complaint before the recorder in such sum as such ordinance may provide. The city council shall have full power and authority to pass all ordinances necessary to regulate advertisements and sales by the assessor and collector of property upon which taxes may be unpaid, and to provide for the perpetuation of all proceedings with reference to such advertisement and sale, and for the execution of titles to purchasers of property at tax sales, and to pass

all ordinances necessary to enforce the collection of taxes: Provided, That such ordinances shall allow any person whose real property has been sold for taxes at least one year to redeem the same by paying such tax and fifty per cent thereon and all costs of advertisement and sale: And provided further, That any of such proceedings so perpetuated shall be received in evidence in any court when the title so conferred by the collector shall be called in question, and the city may become the purchaser of any land sold for taxes and the deed executed by the assessor and collector shall be prima facie evidence that all prerequisites of the law have been complied with; and the city or any other purchaser of property at tax sale may sue for and recover such real property after the expiration of the time allowed to redeem the same, and no defense to any suit for such property shall be allowed unless there first be made a tender in open court of the amount of tax for which the same was sold together with the fifty per cent additional and all cost of sale and cost of suit. At any time after the sale of any property to the city or to any person of property for the taxes due thereon and before the expiration of twelve months after such sale the city or such person as the case may be, may institute suit for the amount of such tax and for fifty per cent added and may foreclose the lien existing for such tax that existed in favor of the city at the date of such sale. Nothing but current money of the United States shall be collected or received in payment of taxes and licenses due or hereafter assessed and scrip which may be issued for pavement of streets and construction of sidewalks, which shall express upon its face the purpose for which it is issued, and coupons and scrip made receivable for taxes on the face thereof shall not be receivable for all taxes except the bond tax. The city council shall have power and authority to assess and collect a tax on all vehicles belonging to persons residing in said city or which may be used for traffic or hire in said city, which shall be known as a wheel tax, and require such owners to obtain a license for such vehicles and to prescribe a penalty for using any vehicle on the streets of the city without payment of such tax and procuring such license, but such tax shall not exceed two dollars per wheel: And provided, That all vehicles licensed under the ordinances in force in said city shall not be required to pay such wheel tax. All sums collected for such wheel tax shall be kept separate by the collector of taxes and shall be applied and expended exclusively for the pavement of intersections of streets as provided for herein.

Sec. 2. That all laws in conflict with the provisions of this act be and the same are hereby repealed. And there being no adequate law now in force to enable the city of Houston to improve its streets creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 75 yeas, 3 nays; and passed the senate by a vote of 23 yeas, no nays.]

Approved, March 15, 1889.

## HIDALGO COUNTY—PROTECTION OF COURT HOUSE AND JAIL.

Sec.

1. Commissioners court authorized to issue bonds for the purposes hereof.
2. To levy ad valorem tax for interest and sinking fund.

Sec.

3. Limitation of such tax.
4. As to payment of interest.
5. Bonds—how executed.
6. Emergency clause.

CHAP. 12.—[S. B. No. 297.] An Act to authorize the county commissioners court of Hidalgo County to issue bonds for the protection of the court house and jail and other property from further erosion of the Rio Grande river, and to levy a tax to pay the interest and principal thereof.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the county commissioners court of Hidalgo County is hereby authorized and empowered to issue the bonds of said county, with interest coupons attached, in such amount as may be necessary, not to exceed ten thousand dollars, to protect the court house and jail of said county and other public property in the same vicinity from further erosion of the Rio Grande River, and to prevent further encroachment of said river; the said bonds running not exceeding ten years, redeemable at the pleasure of the county, and bearing interest at a rate not exceeding eight per cent per annum.

Sec. 2. The commissioners court of said county shall levy an annual ad valorem tax on the property in said county sufficient to pay the interest and create a sinking fund for the redemption of said bonds, not to exceed one-eighth of one per cent for any one year.

Sec. 3. The county shall not issue a larger number of bonds than a tax of one-eighth of one per cent annually will liquidate in ten years, and such bonds shall be sold only at their face or par value.

Sec. 4. The interest on said bonds shall be paid annually on the first day of July, and an account kept by the county treasurer of the amount of principal and interest paid on each.

Sec. 5. The said bond shall be signed by the county judge and countersigned by the county clerk and registered by the county treasurer before they are delivered.

Sec. 6. The fact that the public buildings belonging to said county are in immediate danger from encroachments of the Rio Grande River, creates an imperative public necessity and an emergency, wherefore the rule should be suspended requiring bills to be read on three several days, and this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 28 yeas, no nays; and passed the house by a vote of 79 yeas, 2 nays.]

[Note.—The foregoing act was presented to the governor for his approval on the fourteenth day of March, A. D. 1889, but was not signed by him or returned to the house in which it originated with his objections thereto within the time prescribed by the constitution, and thereupon became a law without his signature.—J. M. Moore, Secretary of State.]

MILAM COUNTY SCHOOL LANDS.

Sec.

1. Provides for warrants to reimburse settlers for amounts paid on pre-emptions of Milam County school lands.

Sec.

2. \$1500 appropriated for purposes of this bill.
3. Emergency clause.

CHAP. 13.—[H. B. No. 310.] An Act for the relief of settlers upon the Milam County school lands located in Hood County, and to make an appropriation therefor.

Whereas under an act of the legislature of the state of Texas, approved July 21, 1870, certain settlers on the Milam County school lands, located in Hood County, bought their pre-emption claims from the state of Texas at the rate of fifty cents per acre, and received patents therefor from the state; and whereas the supreme court has declared said law unconstitutional and said patents void; and whereas the said settlers, or their assigns, have lost said lands at the suit of Milam County, and said parties have given notice of their intention to apply for relief at the hands of the Twenty-first Legislature, and ask to be reimbursed in their purchase money with lawful interest:

Section 1. Be it enacted by the Legislature of the State of Texas: That upon proper proof being made to the comptroller of public accounts that the said settlers, or their assigns, who then owned and paid for said pre-emption surveys and lost the same through the courts of this state, that the said comptroller is authorized and ordered to draw a warrant on the state treasurer in favor of each of said settlers, or his assigns, for the amount or amounts paid by him to the state for said pre-emption claims.

Sec. 2. That the sum of fifteen hundred dollars, or so much thereof as may be necessary, be appropriated out of the general revenue not otherwise appropriated to pay the same.

Sec. 3. The near approach of the end of the present session of the legislature, and the great probability that this bill will not be reached on the regular call of business before the end of the same, creates an emergency, and an imperative public necessity exists requiring the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is so suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 86 yeas, no nays; and passed the senate by a vote of 23 yeas, no nays.]

Approved, March 6, 1889.

## PARIS—ACT INCORPORATING CITY OF.

Sec.		Sec.	
1.	Boundaries of the city.	31.	Power to appropriate money to pay indebtedness, etc.
2.	Incorporating clause.	32.	Opening streets, etc.
3.	City divided into wards.	33.	Ad valorem taxes.
4.	Municipal government.	34.	Poll tax.
5.	Stated meeting, etc.	35.	Occupation tax.
6.	Manner of electing officers.	36.	To provide for assessing, etc.
7.	Time of holding elections, and returns.	37.	Definitions of "real" and "personal" estate.
8.	Who are qualified voters.	38.	Taxes for payment of indebtedness.
9.	Powers and duties of managers of elections	39.	Mode and time of assessment.
10.	Proceedings in case of tie vote, etc.	40.	Tax sale.
11.	Eligibility of mayor and aldermen.	41.	Fire department.
12.	Special election to fill vacancies.	42.	Sanitary department.
13.	City council composed of mayor, aldermen, etc.	43.	Removal of dangerous buildings.
14.	Official oath.	44.	Writs of mayor, etc.
15.	Duties of mayor.	45.	Official paper and publication.
16.	Duties and powers of marshal.	46.	Style of ordinances.
17.	Duties of secretary.	47.	Fines, forfeitures, etc.
18.	Duties of treasurer.	48.	Eligibility, resignation, and removal from office, etc.
19.	Duties of assessor and collector.	49.	Members of city council ineligible to other office.
20.	Powers of city council over officers.	50.	To enforce attendance of members of city council.
21.	General powers.	51.	To prescribe duties of city officers.
22.	Grading, paving, improving, etc., streets, etc.	52.	Salary of officers.
23.	Parties residing on any street, etc., may cause same to be improved, etc.	53.	Exemption from cost bond in suits.
24.	City council may by ordinance secure safety, etc., in passing in the streets, etc.	54.	Cemetery lots exempt from taxation and forced sale
25.	City council to have management and control of finances.	55.	Rates of interest.
26.	City council shall provide for enclosing, etc., public grounds and cemeteries.	56.	Ordinances, etc., now in force.
27.	To regulate sale, etc., of intoxicating liquors, etc.	57.	Liability for present and past indebtedness
28.	To abate nuisances, etc.	58.	New territory to be admitted.
29.	May compel offenders sentenced to fine and imprisonment to labor on streets, etc.	59.	Appointment of terms of aldermen.
30.	Passage, amendment, and publication of ordinances.	60.	City constituted school district.
		61.	Appointment of officers.
		62.	Emergency clause.

**CHAP. 14.—[S. B. No. 367.] An Act to incorporate the city of Paris and to prescribe its duties and liabilities.**

Be it enacted by the Legislature of the State of Texas:

Section 1. That all that district of country contained within the following limits, to-wit: In Lamar County, beginning 240 rods west of a point 400 rods south of the center of the public square as now known and designated in the city of Paris, the same being the southwest corner of the corporate limits heretofore existing; thence east 570 rods to a post; thence north 640 rods to a post; thence west 570 rods to a post; thence south 640 rods to the place of beginning, is hereby created into a city by the name of the city of Paris.

**INCORPORATING CLAUSE.**

Sec. 2. That the inhabitants of the city of Paris as the same extends and is laid out in section 1 of this act be and they and their successors are hereby constituted a corporation and body politic in fact and in law by the name and style of the "City of Paris," and by the same shall have succession; shall sue and be sued, implead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatsoever; may purchase, receive, and hold property real and personal within said city, and may sell, lease, or dispose of the same for the benefit of the city, and may purchase, receive, and hold property real and personal beyond the limits of the city to be used for the burial of the dead of the city; also for the erection of water works to supply the city with water and for the establishment of a hospital for the care and protection of persons infected with contagious or other diseases, and any other real property outside of said city necessary for the purposes of said corporation, and may sell, lease, or dispose of such property for the benefit of the city, and may do all other acts as natural persons. Said city shall have and use one common seal and may change, alter, or make a new seal at pleasure.

## CITY DIVIDED INTO WARDS.

Sec. 3. That the city of Paris shall be divided into not less than four nor more than ten wards in the discretion of the council, the number and boundaries thereof to be fixed by the city council, and may be by the council changed from time to time as in their judgment the interests of said city may demand, having regard to the number of male inhabitants and in fixing said boundaries so that each ward shall contain as near as may be the same number of male inhabitants. Until changed by the council, the number and boundaries of the wards in said city shall remain as they are upon the passage of this act.

## MUNICIPAL GOVERNMENT.

Sec. 4. The municipal government of the city shall consist of a city council composed of the mayor and two aldermen from each ward, a majority of whom shall constitute a quorum for the transaction of business, except at called meetings or meetings for the imposition of taxes, when two-thirds of a full board shall be required, unless herein otherwise specified. The other officers of the corporation shall be a treasurer, an assessor and collector, a secretary, a city attorney, a marshal, and city engineer, and such other officers and agents as the city council may from time to time direct: Provided, That the offices of treasurer, assessor and collector, city attorney, and city engineer may be dispensed with by an ordinance of the city council and the powers and duties herein prescribed for such officers may be conferred by said council upon other officers. The above named officers except secretary and engineer shall be elected by the qualified electors of said city as hereinafter provided, and shall hold their offices for two years and until the election and qualification of their successors: Provided also, That at the first election for aldermen in any new ward defined by the city council there shall be two aldermen elected. The one receiving the highest number of votes shall hold for two years and the one receiving the next highest number of votes cast shall hold for one year, and thereafter one alderman shall be elected at each annual election for two years as in the wards now existing in said city, and at each annual election thereafter there shall be elected one alderman from each ward in said city as at present who shall hold for two years. The secretary and engineer shall be elected by the council and shall hold their offices for two years and until the election and qualification of their successors.

## STATED MEETINGS, ETC.

Sec. 5. There shall be stated sessions of the city council and they shall be held at such time and place as shall be prescribed by ordinance or resolution. Upon the passage of all ordinances appropriating money, or ordinances imposing taxes, increasing, lessening, or abolishing licenses, the yeas and nays shall be entered on the journal. All ordinances shall be read in council on three several days unless two-thirds of the members elected of the board shall dispense therewith. A majority of the members of the city council shall be necessary to pass an ordinance appropriating for any purpose the sum of five hundred dollars or upwards or an ordinance in anywise diminishing or increasing the city revenue.



## MANNER OF ELECTING OFFICERS.

Sec. 6. An election shall be held in each of the wards of said city on the last Monday in April, 1889, and on the first Tuesday in April in each year thereafter, at such place or places as the city council may direct, and of which thirty days previous notice shall be given by publication in one or more newspapers of said city, except the first election, of which fifteen days notice shall be sufficient. Said election shall be ordered by the city council and in case of their failure to order the same the mayor of the city may make such order. For the purpose of holding said election and others ordered the city council shall appoint annually in May or earlier in each ward some competent and suitable person who shall be the presiding officer at all elections held in his ward. The presiding officer of each ward shall appoint two judges and two clerks who together with the presiding officer shall be managers of election. The presiding officers and judges must be qualified voters in the city. The city council shall provide for their compensation and by ordinance regulate and define their powers and duties. The mayor whenever an election is ordered shall give the required notice and issue to the presiding officers a writ of election, and every published notice of election shall state the officer or officers to be elected, the place where the election will be held, and the name of the presiding officer thereat. In case the officer so appointed is unable, fails, refuses, or neglects to act, the mayor shall make another appointment, and in case no appointed presiding officer appears to open the polls the qualified electors may appoint such officer, who shall perform the same duties and have like power and authority to act as the first appointee; but in such case the managers in their returns or otherwise shall certify that the presiding officer failed to attend or neglected to act and that the person acting as such was duly chosen by the electors present.

## THE TIME OF HOLDING ELECTIONS AND RETURNS.

Sec. 7. At all elections the ballots of each ward shall be taken separately, the polls being open in each ward for one day only, from eight o'clock a. m. until six o'clock p. m., with the privilege of a recess of one hour from twelve to one o'clock. Should the polls not be promptly opened for the reception of votes by eight o'clock a. m., the time thus lost shall be extended beyond the hour of 6 o'clock p. m., so as to secure the full period of nine hours for voting purposes. On closing the polls the managers of elections shall immediately proceed to count and cast up the votes for each candidate and certify and sign the returns in duplicate, one of which shall be sealed up and retained by the presiding officer for future use as a reference in case of contested election; the other copy shall be sealed up with the name of the presiding officer written across the seal, and by the presiding officer, or in his absence or inability by one of the judges or clerks, delivered in open session to the city council on the next day or as soon thereafter as practicable. The officer so delivering the same shall make oath before the mayor or one of the aldermen that the returns by him delivered have not been altered or opened since being signed and sealed as aforesaid. As soon as received the city council shall immediately open the returns from each ward, casting up the votes of the ward for mayor, city attorney, tax assessor and collector, treasurer, and city marshal, and enter the same in tabular form on the journals of the council. The person thus receiving the highest number of votes for mayor, city attorney, tax assessor and collector, treasurer, and city marshal, shall be declared

elected, and in like manner the votes for alderman in each ward shall be entered on the journals, and the person receiving the highest number of votes for alderman in the ward in which he is a candidate shall be declared elected alderman. The newly elected officers may enter upon their duties on the fifth day thereafter, Sunday excepted: Provided, That any officer elect may qualify at any time within thirty days; otherwise the office shall be declared vacant and a new election held to fill the same. It shall be the duty of the city secretary to notify all persons elected or appointed to office of their election or appointment, and the city council elect shall meet at the usual place of meeting on the fifth day, Sunday excepted, after their election, or as soon thereafter as possible, and be installed.

#### WHO ARE QUALIFIED VOTERS.

Sec. 8. Every person not disqualified by law who shall have attained the age of twenty-one years and is entitled to vote for members of the legislature of this state and shall have resided within the corporate limits of said city for six months next preceding the election, shall be entitled to vote for the officers of said city: Provided, nevertheless, That no person belonging to the regular army of the United States shall be so entitled. And the city council may provide for the registration of voters in said city before any annual election, and after such registration no one who is not duly registered shall be allowed to vote at said election.

#### OATH, POWERS, AND DUTIES OF MANAGERS OF ELECTIONS.

Sec. 9. The managers of elections shall be sworn well and truly to conduct the election without partiality or prejudice and agreeable to law and according to the best of their skill and understanding, which oath shall be administered by the mayor or any justice of the peace. The presiding officers and judges thus qualified shall have power to administer oaths necessary to the performance of their official duties. When any person offering to vote shall be objected to by any one qualified to vote at such election, the managers shall examine him on oath touching the points objected to, and if he fail to establish his qualification to their satisfaction his vote shall be rejected.

#### PROCEEDINGS IN CASE OF A TIE VOTE, ETC.

Sec. 10. Whenever it so happens in any election that there is a tie between two or more candidates for the same office, all of whom cannot be elected, the city council shall declare such election void as between such candidates only and immediately order a new election for the office, first giving not less than five days notice thereof. In the event of a failure to meet on the part of the city council to examine the election returns and declare the results, the mayor shall discharge that duty.

#### ELIGIBILITY OF MAYOR AND ALDERMEN.

Sec. 11. No person shall be eligible to the office of mayor unless he possesses the qualifications of an elector and shall have resided twelve months next preceding the election within the limits of the city; and no person shall be eligible to the office of alderman unless in addition to the above qualification he be a resident of the ward from which he may be elected at the time of the election: Provided, That if any alderman shall remove from the ward in which he was elected his office shall be deemed vacant and a new election ordered to fill the same.

**SPECIAL ELECTION TO FILL VACANCY.**

Sec. 12. In case of a vacancy in the office of mayor or alderman, by refusal to accept or failure to qualify, or by death, resignation, or otherwise, the city council shall order a new election to fill such vacancy, and all special elections shall be conducted as is herein provided for in the annual elections: Provided, That in all special elections to fill vacancies ten days notice shall be deemed sufficient. In case of a vacancy in any other office in the city than mayor or alderman, by refusal to accept or failure to qualify, or by death, resignation, or otherwise, the mayor or acting mayor shall fill such vacancy by appointment, to be confirmed by the city council.

**CITY COUNCIL COMPOSED OF MAYOR, ALDERMEN, ETC.**

Sec. 13. The city council shall be composed of the mayor and aldermen provided for by this act. The mayor shall be president of the council, and in case of a tie on any question he shall give the casting vote. At the first meeting of each new council or as soon thereafter as practicable one of the aldermen shall be elected president pro tem., who shall hold his office for one year. In case of the failure, inability, or refusal of the mayor to act, the president pro tem. shall perform the duties and receive the compensation of the mayor.

**OFFICIAL OATH.**

Sec. 14. Every person elected by the voters of said city to fill any office, or by the city council, shall before entering on the duties of his office take and subscribe the official oath prescribed in the constitution of this state, and the city council may by ordinance require such additional oath as they may deem best calculated to secure faithfulness in the performance of their duties by such officers.

**DUTIES OF MAYOR.**

Sec. 15. The mayor of the city shall be the chief executive officer of said corporation, and shall be vigilant and active at all times in causing the laws and ordinances for the government of said city to be duly executed and put in force. He shall inspect the conduct of all subordinate officers in the government thereof, and as far as it may be in his power shall cause all negligence, carelessness, and positive violation of duty to be prosecuted and punished. He shall have power whenever in his judgment the good of the city may require it to summon meetings of the city council, and shall call such meetings upon the written request of three or more aldermen, and he shall from time to time communicate to that body all such information and recommend all such measures as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort, ornament, and good government of said city. The mayor shall also be the chief judicial magistrate of the city: Whenever the mayor shall deem it necessary in order to enforce the laws of the city or to avert danger or to protect life or property in case of riot or any outbreak or calamity or public disturbance, or when he has reason to fear any serious violation of law or order or any outbreak or any other danger to said city or the inhabitants thereof, he shall summon into service as a special police force all or as many of the citizens as in his judgment and discretion may be necessary and proper, and such summons may be by proclamation or order addressed to the citizens generally or those of any ward

of the city or subdivision thereof, or such summons may be by personal notification. Such special police force while in service shall be subject to the orders of the mayor, shall perform such duties as he may require, and shall have the same power while on duty as the regular police force of said city; and any person so summoned and failing to obey or appearing and failing to perform any duty that may be required under this act or any ordinance of said city in conformity thereto shall be fined in a sum not exceeding one hundred dollars. The mayor shall have like power with a justice of the peace to administer oaths of office. He shall possess and execute in the city in criminal cases all the powers and duties of a justice of the peace. He shall have authority in case of a riot or any unlawful assemblage, or with a view to preserve peace and good order in said city, to order and enforce the closing of any theatre, ball room, grog shop, tippling house, bar room, or other place of resort or public room or building, and may order the arrest of any person violating in his presence the laws of the state or any ordinance of the city; and he shall perform such other duties and possess and exercise such other powers and authority as may be prescribed and conferred by the city council. All ordinances and resolutions adopted by the council shall before they take effect be placed in the office of the city secretary, and if the mayor approve thereof he shall sign the same, and such as he shall not sign he shall return to the city council with his objections thereto. Upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be reconsidered, and if after such reconsideration a majority of the whole number of aldermen agree to pass the same and enter their votes on the the journal of their proceedings it shall be in force; and if the mayor shall neglect to approve or object to any such proceedings for a longer period than three days after the same shall be placed in the secretary's office as aforesaid the same shall go into effect. The mayor shall hold a court within said city, by the name of the police court of the city of Paris, which said court shall have jurisdiction and cognizance of all misdemeanors, breaches of the peace, infraction of the ordinances, and all other causes arising under the laws of said city, and shall be deemed always open for trial of said causes. The said court shall have full power, authority, and jurisdiction in all cases arising under the ordinances of said corporation and over any breaches and violations thereof, and of any and all persons thus offending, and to try and determine all suits, actions, and complaints charging a violation of any ordinance of said city, and may grant new trials on motion in writing showing sufficient cause and duly sworn to, and all prosecutions, trials, and proceedings had in said court under this act shall be governed by the laws and rules regulating trials, prosecutions, and proceedings in justices courts in force at the time. The mayor may require of any person arrested under the provisions of this act a bond for his good behavior and to keep the peace, with two good and sufficient sureties, which bond shall be payable to the city of Paris. He shall have full power and authority to issue subpoenas for witnesses and to compel their attendance by process of attachment. He may punish all contempts by fine and imprisonment or either; may issue subpoenas, attachments, writs of *capias*, warrants of arrest, search warrants, executions, and all other process known to the law which a justice of the peace of this state may lawfully issue; and all of said writs and process shall be issued, served, and executed under the same forms and in the same manner as the like process would be when issued by a justice of the peace unless herein otherwise provided. He shall also have full power and authority to administer official oaths and all oaths and affirmations in trials before him. He shall be *ex officio* justice of the peace, and he shall possess and execute in the

## MANNER OF ELECTING OFFICERS.

Sec. 6. An election shall be held in each of the wards of said city on the last Monday in April, 1889, and on the first Tuesday in April in each year thereafter, at such place or places as the city council may direct, and of which thirty days previous notice shall be given by publication in one or more newspapers of said city, except the first election, of which fifteen days notice shall be sufficient. Said election shall be ordered by the city council and in case of their failure to order the same the mayor of the city may make such order. For the purpose of holding said election and others ordered the city council shall appoint annually in May or earlier in each ward some competent and suitable person who shall be the presiding officer at all elections held in his ward. The presiding officer of each ward shall appoint two judges and two clerks who together with the presiding officer shall be managers of election. The presiding officers and judges must be qualified voters in the city. The city council shall provide for their compensation and by ordinance regulate and define their powers and duties. The mayor whenever an election is ordered shall give the required notice and issue to the presiding officers a writ of election, and every published notice of election shall state the officer or officers to be elected, the place where the election will be held, and the name of the presiding officer thereat. In case the officer so appointed is unable, fails, refuses, or neglects to act, the mayor shall make another appointment, and in case no appointed presiding officer appears to open the polls the qualified electors may appoint such officer, who shall perform the same duties and have like power and authority to act as the first appointee; but in such case the managers in their returns or otherwise shall certify that the presiding officer failed to attend or neglected to act and that the person acting as such was duly chosen by the electors present.

## THE TIME OF HOLDING ELECTIONS AND RETURNS.

Sec. 7. At all elections the ballots of each ward shall be taken separately, the polls being open in each ward for one day only, from eight o'clock a. m. until six o'clock p. m., with the privilege of a recess of one hour from twelve to one o'clock. Should the polls not be promptly opened for the reception of votes by eight o'clock a. m., the time thus lost shall be extended beyond the hour of 6 o'clock p. m., so as to secure the full period of nine hours for voting purposes. On closing the polls the managers of elections shall immediately proceed to count and cast up the votes for each candidate and certify and sign the returns in duplicate, one of which shall be sealed up and retained by the presiding officer for future use as a reference in case of contested election; the other copy shall be sealed up with the name of the presiding officer written across the seal, and by the presiding officer, or in his absence or inability by one of the judges or clerks, delivered in open session to the city council on the next day or as soon thereafter as practicable. The officer so delivering the same shall make oath before the mayor or one of the aldermen that the returns by him delivered have not been altered or opened since being signed and sealed as aforesaid. As soon as received the city council shall immediately open the returns from each ward, casting up the votes of the ward for mayor, city attorney, tax assessor and collector, treasurer, and city marshal, and enter the same in tabular form on the journals of the council. The person thus receiving the highest number of votes for mayor, city attorney, tax assessor and collector, treasurer, and city marshal, shall be declared

elected, and in like manner the votes for alderman in each ward shall be entered on the journals, and the person receiving the highest number of votes for alderman in the ward in which he is a candidate shall be declared elected alderman. The newly elected officers may enter upon their duties on the fifth day thereafter, Sunday excepted: Provided, That any officer elect may qualify at any time within thirty days; otherwise the office shall be declared vacant and a new election held to fill the same. It shall be the duty of the city secretary to notify all persons elected or appointed to office of their election or appointment, and the city council elect shall meet at the usual place of meeting on the fifth day, Sundays excepted, after their election, or as soon thereafter as possible, and be installed.

#### WHO ARE QUALIFIED VOTERS.

Sec. 8. Every person not disqualified by law who shall have attained the age of twenty-one years and is entitled to vote for members of the legislature of this state and shall have resided within the corporate limits of said city for six months next preceding the election, shall be entitled to vote for the officers of said city: Provided, nevertheless, That no person belonging to the regular army of the United States shall be so entitled. And the city council may provide for the registration of voters in said city before any annual election, and after such registration no one who is not duly registered shall be allowed to vote at said election.

#### OATH, POWERS, AND DUTIES OF MANAGERS OF ELECTIONS.

Sec. 9. The managers of elections shall be sworn well and truly to conduct the election without partiality or prejudice and agreeable to law and according to the best of their skill and understanding, which oath shall be administered by the mayor or any justice of the peace. The presiding officers and judges thus qualified shall have power to administer oaths necessary to the performance of their official duties. When any person offering to vote shall be objected to by any one qualified to vote at such election, the managers shall examine him on oath touching the points objected to, and if he fail to establish his qualification to their satisfaction his vote shall be rejected.

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**OFFICIAL OATH.**

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of the city or subdivision thereof, or such summons may be by personal notification. Such special police force while in service shall be subject to the orders of the mayor, shall perform such duties as he may require, and shall have the same power while on duty as the regular police force of said city; and any person so summoned and failing to obey or appearing and failing to perform any duty that may be required under this act or any ordinance of said city in conformity thereto shall be fined in a sum not exceeding one hundred dollars. The mayor shall have like power with a justice of the peace to administer oaths of office. He shall possess and execute in the city in criminal cases all the powers and duties of a justice of the peace. He shall have authority in case of a riot or any unlawful assemblage, or with a view to preserve peace and good order in said city, to order and enforce the closing of any theatre, ball room, grog shop, tippling house, bar room, or other place of resort or public room or building, and may order the arrest of any person violating in his presence the laws of the state or any ordinance of the city; and he shall perform such other duties and possess and exercise such other powers and authority as may be prescribed and conferred by the city council. All ordinances and resolutions adopted by the council shall before they take effect be placed in the office of the city secretary, and if the mayor approve thereof he shall sign the same, and such as he shall not sign he shall return to the city council with his objections thereto. Upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be reconsidered, and if after such reconsideration a majority of the whole number of aldermen agree to pass the same and enter their votes on the the journal of their proceedings it shall be in force; and if the mayor shall neglect to approve or object to any such proceedings for a longer period than three days after the same shall be placed in the secretary's office as aforesaid the same shall go into effect. The mayor shall hold a court within said city, by the name of the police court of the city of Paris, which said court shall have jurisdiction and cognizance of all misdemeanors, breaches of the peace, infraction of the ordinances, and all other causes arising under the laws of said city, and shall be deemed always open for trial of said causes. The said court shall have full power, authority, and jurisdiction in all cases arising under the ordinances of said corporation and over any breaches and violations thereof, and of any and all persons thus offending, and to try and determine all suits, actions, and complaints charging a violation of any ordinance of said city, and may grant new trials on motion in writing showing sufficient cause and duly sworn to, and all prosecutions, trials, and proceedings had in said court under this act shall be governed by the laws and rules regulating trials, prosecutions, and proceedings in justices courts in force at the time. The mayor may require of any person arrested under the provisions of this act a bond for his good behavior and to keep the peace, with two good and sufficient sureties, which bond shall be payable to the city of Paris. He shall have full power and authority to issue subpoenas for witnesses and to compel their attendance by process of attachment. He may punish all contempts by fine and imprisonment or either; may issue subpoenas, attachments, writs of capias, warrants of arrest, search warrants, executions, and all other process known to the law which a justice of the peace of this state may lawfully issue; and all of said writs and process shall be issued, served, and executed under the same forms and in the same manner as the like process would be when issued by a justice of the peace unless herein otherwise provided. He shall also have full power and authority to administer official oaths and all oaths and affirmations in trials before him. He shall be ex officio justice of the peace, and he shall possess and execute in the



city in criminal cases all the powers and duties of such officer, and shall have the same authority and like powers with justices of the peace in the prevention and suppression of crime; but he shall in no case entertain jurisdiction in civil suits. The city council may determine what costs if any shall be charged in proceedings in and for all process issued in said court, and shall allow the judge thereof for his services such salary as they deem necessary; and the mayor shall perform such other duties as may be prescribed by any ordinance of said corporation that may properly and lawfully be required of said officer as the judge of said court and are not inconsistent with the laws and constitution of the state: Provided, That all moneys collected from fines of whatever character imposed by him shall be paid into the city treasury for the use of the city. Every person brought before the mayor to be tried for an offense for which the penalty may be fine or imprisonment or both shall be entitled if he shall demand it to be tried by a jury of six legal voters of the city, who shall be summoned, impanelled, and qualified as jurors in justices courts under the laws of the state. The mayor of the city of Paris is authorized to celebrate the rites of matrimony between all persons legally authorized to marry, but he shall neither charge nor accept any fee for said services: Provided, That the city council shall have the power by ordinance to create the office of recorder whenever said ordinance is passed by a vote of two-thirds of the aldermen elected, and upon the passage of said ordinance said council shall elect a recorder, who shall be clothed with all the authority, perform the like duties, and receive the same compensation as is provided by this act and conferred upon the mayor as judge of the police court created by this act. Said recorder shall hold his office for two years and until his successor is elected and qualified: Provided, That the city council may at any time they see fit repeal said ordinance creating the office of recorder, in which event the duties of said office with its powers and compensation shall devolve upon the mayor as herein provided.

#### DUTIES AND POWERS OF THE MARSHAL.

Sec. 16. The marshal of the city shall be ex officio chief of police, and may appoint one or more deputies, and shall either in person or by deputy attend upon the police court while said court is in session and shall promptly and faithfully execute all writs and process issued from said court; he shall have like power with the sheriff of the county to execute the writ of search warrant; he shall be active in quelling riots, disorder, and disturbances of the peace within the limits of said city, and shall take into custody all persons so offending against the peace of the city, and shall have authority to take suitable and sufficient bail for the appearance before the mayor's court of any person charged with an offense against the ordinances or the laws of the city. It shall be his duty to arrest without warrant all violators of the public peace and all who obstruct or interfere with him in the execution of the duties of his office or who shall be guilty of any disorderly conduct or disturbance whatever. To prevent a breach of peace or preserve quiet and good order, he shall have authority to close any theatre, bar room, ball room, drinking house, or any other place or building of public resort; and in the prevention and suppression of crime and arrest of offenders, he shall have, possess, and execute like power, authority, and jurisdiction as the sheriff of a county under the laws of the state. He shall receive a salary to be fixed by the city council. The marshal shall give such bond for the faithful performance of his duties as the city council may require, and he shall perform such other duties and possess such other powers, rights, and authority as the city council

may by ordinance require and confer not inconsistent with the constitution and laws of this state.

#### DUTIES OF THE SECRETARY.

Sec. 17. It shall be the duty of the city secretary to attend every meeting of the city council and keep accurate minutes of the proceedings thereof in a book to be provided for that purpose, and to engross and enroll all laws, resolutions, and ordinances of the city council; to keep its corporate seal; to take charge of and preserve and keep in order all the books, records, papers, documents, and files of said council; to countersign all commissions issued to the city officers and licenses issued by the mayor, and to keep a record or register thereof, and to make out all notices required under any regulation or ordinances of the city. He shall draw all warrants on the treasurer and countersign the same, and keep an accurate account thereof in a book provided for the purpose. He shall be the general accountant of the corporation, and shall keep in books regular accounts of the receipts and disbursements for the city, and separately under proper heads each cause of receipt and disbursement; and also accounts with each person including officers who have money transactions with the city, crediting amounts allowed by proper authority and specifying the particular transaction to which such entries apply. He shall also keep a registry of bonds and bills issued by the city and all evidences of debt due and payable to it, noting the particulars thereof and all facts connected therewith as they may occur. He shall carefully keep all contracts made by the city council, and he shall do and perform all such other duties as may be required of him by law, ordinance, resolution, or order of the city council. He shall receive for his services an annual salary payable at stated periods as may be allowed by the city council. He shall also be an ex officio clerk of the police court, and as such shall have power to administer oaths, take affidavits, issue warrants, subpoenas, and other process, and perform such other duties in said office as may be required of him by ordinance.

#### DUTIES OF TREASURER.

Sec. 18. The treasurer of said city shall give bond in favor of the city in such amount and in such form as may be required by the city council, and with sufficient security, to be approved by the city council, conditioned for the faithful discharge of his duties. He shall receive and securely keep all moneys belonging to the city and make all payments for the same upon the order of the mayor attested by the secretary under the seal of the corporation: Provided, That no order shall be paid unless the said order shall show upon its face that the city council has ordered its issuance and for what purpose. He shall render a full and correct statement of his receipts and payments to the city council at their first regular meeting in every quarter and whenever at other times he may be required by them so to do; at the end of every half year he shall cause to be published at the expense of the city a statement showing the amount of receipts and expenditures for the six months next preceding and the general condition of the treasury; and he shall do and perform such other acts and duties as the city council may require; and for his services he shall receive such compensation as shall be fixed by the city council.

**DUTIES OF ASSESSOR AND COLLECTOR.**

Sec. 19. The assessor and collector shall make up the assessment of all property taxed by the city and make duplicate rolls thereof, and on completion of the rolls shall deliver one of them to the city secretary. He shall collect all taxes due the city, and in the event of non-payment of any taxes shall proceed to sell property to raise the amount of taxes so due; and shall in the performance of his duties observe the provisions of this act and the ordinances of the city relating thereto. He shall give bond in such amount and in such form as the city council may prescribe, with good and sufficient sureties, and the city council may require a new bond whenever in their opinion the existing bond is insufficient, and whenever such bond is required he shall perform no official act until said bond shall be given and approved. He shall at the expiration of every week pay to the treasurer all money by him collected, and shall report to the city council at the first meeting in every month all moneys so collected and paid; and he shall perform all such other duties and in such manner and according to such rules and regulations as the city council may prescribe. The assessor and collector is authorized to require the owners of all property subject to taxation to render a correct account of the same under oath to be administered by him. The assessor and collector shall receive such fees and commissions for his services as may be allowed by the ordinances of the city.

**POWERS OF THE CITY COUNCIL OVER OFFICERS.**

Sec. 20. The city council shall have power from time to time to require other and further duties of all officers whose duties are herein prescribed and to define and prescribe the powers and duties of all officers appointed or elected to any office under this act whose duties are not herein specially mentioned and fix their compensation. They may also require bonds to be given to the said corporation by all officers for the faithful performance of their duties. The city council shall provide for filling vacancies in all offices not herein provided for, and in all cases of vacancy the same shall be filled only for the unexpired term.

**GENERAL POWERS.**

Sec. 21. That the city council shall have exclusive control and power over the streets, alleys, and public grounds and highways of the city, and to abate and remove encroachments or obstructions thereon; to open, alter, widen, extend, establish, regulate, grade, clean, pave, or otherwise improve the same; to put drains and sewers therein; to prevent the incumbering thereof in any manner, and to protect the same from any encroachment or injury; to regulate, establish, and alter the grade of all premises and require and compel the filling up and raising of the same; to establish, erect, construct, regulate, and keep in repair all bridges, culverts, sewers, sidewalks, and crossings, and to regulate the use and construction of the same and material used in such construction or repair, and to abate and punish any obstructions or encroachments thereon, and the costs of the construction of all such sidewalks and grading done thereon or the filling up and raising the grade of any premises shall be defrayed by the owners of the lot or a part of lot or block on which such sidewalk may front or such grading or filling is done, and the costs of same, together with the cost of collection thereof, shall be a good and valid charge against the owners of such lot or lots or block and a lien

or incumbrance upon the lot or part of lot, block, or premises upon which or in front of which said improvements may be constructed, which amount shall be assessed as a tax against the property and the owners thereof and may be collected and the lien foreclosed in any court having jurisdiction: Provided, That all improvements of sidewalks, fillings, and gradings done by the city shall be advertised and let out by the contract to the lowest and best bidder.

Sec. 22. The city council shall be invested with full power and authority to grade, pave, repair, or otherwise improve any avenue, street, alley, or other highway or any portion thereof within the limits of said city whenever by a vote of two-thirds of the aldermen elected they may deem such improvement for the public interest, two-thirds of the cost of which grading, paving, or repairing shall be borne by the owners of the property fronting on such alley, avenue, street, or other highway so improved; and to make provision for the payment of two-thirds of the cost of such improvements and the cost of collecting the same the city council shall have full power to assess, levy, and collect a tax upon the lot or lots fronting or adjoining on such alley, avenue, street, or other highway, which tax when so levied and assessed shall be a valid charge against the owner or owners of such lot or lots as well as a lien and incumbrance upon the property itself, which amount may be collected and the said lien enforced in any court of competent jurisdiction: Provided, That the city alone shall pay for the other one-third of such improvements and for the improving of the intersections of the streets from block to block across the streets either way: And provided further, That no one shall be made to pay for any improvement done on any street that may be paved or otherwise improved as hereinafter provided save for the proportional part of the street that may be in front of or adjoining his property and to center of such street, and in no event shall such owner be compelled to pay for the improvement of such street, not including sidewalks, more than twenty-five per cent of the assessed value of his property fronting thereon, except with his written consent and except property not assessed, which shall be liable for its proportion according to frontage, and that any railroad or street railway company shall be liable for any grading, paving, or other improvements made upon any portion of said streets used or occupied by said company, to be paid for in same manner as by abutting owners: And provided further, That such improvements shall be paid in not less than five annual installments with interest thereon not exceeding eight per cent per annum; but any person interested in such improvement may pay his part in cash before the issuance of bonds to cover the same.

Sec. 23. Parties residing upon any street, avenue, or alley may cause the same to be improved, graded, paved, or repaired at the expense of the abutting owner entirely (except street crossings). When two-thirds of the parties residing on each side of such street shall sign a written petition to the city council requesting such improvement to be made at their expense and stating the part of such street so desired to be improved, it shall thereupon be the duty of the city council to have such improvement done in the same manner as prescribed in the foregoing section: Provided, That paving and other improvements done under this section and all paving and other improvements done in all cases on the part of streets occupied by street or other railways may be done or caused to be done by the parties paying for the same under the direction and control of the city authorities.

Sec. 24. The city council shall have authority to pass ordinances to insure the safety and convenience of passing in the streets, sidewalks, and other places in the city, to prevent encroachments and obstructions on the streets, sidewalks, squares, parks, and public places; to establish an efficient system

of inspection over the conduct of persons and premises; to prevent cattle, horses, swine, goats, and other animals from running at large in the streets; to establish and maintain a city police, prescribe the duties of policemen and regulate their conduct; to provide for the lighting of the streets and other public places in the city, and to this end may make a contract for such time as to said city may be deemed to be the best interest of the city; to determine in what part of the city slaughter houses, bone boilers, soap makers, or other establishments for any business which is or may be injurious to the value of adjacent property or unwholesome or disagreeable to the occupants of adjacent property shall not be allowed to be erected; to determine in what part of the city wooden buildings shall not be erected, removed, or repaired, and within the limits prescribed no person shall be permitted to erect such buildings; to prevent gunpowder or other explosive material, kerosene oil or other inflammable oils, being stored within the city limits in such quantity as to endanger the safety of adjacent property; to provide means for the protection against and extinguishment of conflagrations and for the regulation, maintenance, and support of a fire department; to permit or forbid theatres, balls, or other public amusements, and to suppress the same whenever the preservation of order, tranquility, or public safety may require; to close dram shops, drinking saloons, and other places where intoxicating liquors are sold whenever necessary or expedient; to define what shall be nuisances in said city and to abate them by summary proceedings; to provide a work house for vagabonds and disorderly persons who are unable to pay fines, and to make regulations concerning the same; to regulate weights and measures in the city, affix penalties for violations, fix standard, etc. Also the city council may provide, own, and maintain water works for the use of the city and inhabitants; to provide and keep a city prison; to make all needful and proper regulations concerning bakers, butchers, keepers of taverns, grog shops, and other public houses, draymen, horse drivers, water carriers, omnibus drivers, and drivers of baggage wagons, and especially to preserve order and prevent noise and confusion in and about the several depots on arrival and departure of railway trains; to prevent extortion by carriers of passengers, of baggage hacks, drays, and all public conveyances, by establishing maximum rates of charges; to direct and control the laying and construction of railroad tracks, turnouts and switches, and to require that they be constructed and laid so as to interfere as little as possible with the ordinary travel and use of streets; to require railroad companies to keep the streets through which they run in repair, and to light the same whenever deemed necessary, and to construct and keep in repair bridges and crossings at the intersection of streets and avenues, and over all ditches, sewers, and culverts on the line of the railway; to regulate the speed of engines and locomotives within said city; to control and regulate street railways; and to generally make and establish all rules, regulations, by-laws and ordinances which may contribute to and promote the better administration of the affairs of said city, as well as for the maintenance of the peace, tranquility, and safety of said city and for the protection of the persons and property of its inhabitants.

Sec. 25. The city council shall have the management and control of the finances and other property, real, personal, and mixed, belonging to the corporation. The city council shall have power to appropriate money and provide for the payment of debts and expenses of the city; to provide by ordinance special funds for special purposes and to make the same disbursable only for the purpose for which the fund was created, and any officer of the city misappropriating such special fund shall be deemed guilty of malfeasance

in office and shall on complaint of any one interested in said funds misappropriated be removed from office. To make regulations to prevent the introduction of contagious disease into the city, to make quarantine laws for that purpose and to enforce them within the city and within ten miles thereof. To provide or cause to be provided the city with water, and to this end may make a contract for a supply of water for all purposes for such time as the city council may deem for the best interest of the city; to make, regulate, and establish public wells, pumps and cisterns, hydrants and reservoirs in the streets or elsewhere within said city or beyond the limits thereof for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water.

Sec. 26. The city council shall have power to provide for the enclosing, regulating, and improving all public grounds and cemeteries belonging to the city, and to direct and regulate the planting and preserving of ornaments and shade trees in the streets, sidewalks, or public grounds; to erect or establish one or more hospitals and control and regulate the same and to prohibit or to permit and regulate the establishment of private hospitals; to regulate the carrying of weapons and to prevent the carrying of the same concealed; to prevent the incumbering of the streets, alleys, sidewalks, and public grounds with carriages, wagons, carts, hacks, buggies, or any vehicles whatsoever, boxes, lumber, timber, firewood, posts, awnings, signs, or any other substance or material whatever, or in any other manner whatever; to compel all persons to keep all weeds, filth, and any kind of rubbish from the sidewalks and streets and gutters in front of or adjoining the premises occupied by them; to require and compel the owners of property to fill up, grade, gravel, and otherwise improve the sidewalks in front of and adjoining their property; also to inspect the construction of buildings and to cause unsafe buildings to be made safe or to be removed, and to prohibit the use of material deemed unsafe; to authorize the proper officer of the city to grant and issue licenses and to direct the manner of issuing and registering thereof and the fees and charges to be paid therefor. No licenses shall be issued for a longer period than one year, and shall not be assignable except by permission of the city council.

Sec. 27. The city council shall have power to restrain, regulate, and prohibit the selling, indirectly to evade a tax or penalty, of intoxicating or malt liquors by any person within the city, except by persons duly licensed; to forbid or punish the selling of any intoxicating or malt liquors to any minor, apprentice, or habitual drunkard; to close drinking houses, saloons, bar rooms, beer saloons, and all places or establishments where intoxicating or fermented liquors are sold on Sundays, and prescribe hours for closing them, and also all places of amusement and business. The city council shall have full power by ordinance to prevent the sale of any intoxicating liquors in any house or other place where theatrical or dramatic representations are given, and also to prevent intoxicating liquors of any description from being brought into any house or place where such representations are given under any pretext whatsoever; to make such rules and regulations in relation to butchers as they may deem necessary and proper; to regulate the inspection of beef, pork, flour, meal, salt, and other provisions, whisky and other liquors to be sold in barrels, hogsheads, and other vessels and packages; to appoint weighers, gaugers, and inspectors, and prescribe their duties and regulate their fees; to regulate the weight and quality of bread to be sold or used within the city; to create, establish, and regulate the police of the city; to appoint watchmen and policemen, and prescribe their duties and powers and compensation; to suppress and prevent any riot, affray, noisy disturbance, or disorderly assembly in any

public or private place within the city; to prevent, prohibit, and suppress horse racing, immoderate riding or driving in the streets; to prohibit and punish the abuse of animals; to compel persons to fasten their horses or other animals attached to vehicles or otherwise while standing or remaining in the streets; to establish and regulate public pounds, and to regulate, restrain, and prohibit the running at large of horses, mules, cattle, sheep, swine, goats, and to authorize the distraining, impounding, and sale of the same for the costs of the proceedings and the penalty incurred, and to order their destruction when they can not be sold, and to impose penalties on the owners thereof for the violation of any ordinance; to tax, regulate, or restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to the ordinances, and to impose penalties on the owners or keepers thereof for violation of such ordinances; to prohibit and restrain the shooting of fire crackers, guns, and pistols, the use of velocipedes, or the use of any pyrotechnic or other amusement or practice tending to annoy persons passing in the streets or sidewalks or to frighten horses or teams; to restrain and prohibit the ringing of bells, blowing of horns or bugles, crying of goods, and all other noises, practices, and performances tending to the collection of persons on the streets and sidewalks by auctioneers and others for the purpose of business, amusement, or otherwise.

Sec. 28. The city council shall have power to abate all nuisances which may injure or affect the public health or comfort in any manner they may deem expedient; to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease. The city council of said city and the commissioners court of Lamar County may co-operate in making such improvements as may by such council and court be deemed necessary to improve the public health, and to promote efficient sanitary regulations, and arrange for the construction of and payment for such improvements; to compel the owner or occupant of any grocery, soap, tallow, or chandler establishment, or blacksmith shop, tannery, stable, slaughter house, distillery, brewery, sewer, privy, hide house, or other unwholesome or nauseous house or place, to cleanse, remove, or abate the same, as may be necessary for the health, comfort, and convenience of the inhabitants; to direct the location of business, tanneries, blacksmith shops, foundries, livery stables, and any manufacturing establishment; to direct the location and regulate the management and construction of, restrain, abate, or prohibit within the city limits slaughtering establishments and hide houses, or establishments for keeping of and curing hides, establishments for making soap, for steaming or rendering lard, tallow, offal, and such other substances as may be rendered, and all other establishments or places where any nauseous, offensive, or unwholesome business may be carried on; to regulate the burial of the dead; to purchase, establish, and regulate one or more cemeteries; to regulate the registration of deaths, marriages, and births; to direct the returning and keeping of bills of mortality; to abate and remove nuisances, and to punish the authors thereof by penalties, fine, and imprisonment, and to define and declare what shall be nuisances, and authorize and direct the summary abatement thereof; to erect and establish one or more work houses or houses of correction within or without the city limits, make all necessary rules and regulations therefor, and appoint all necessary keepers or assistants. In such work houses or houses of correction may be confined all vagrants, stragglers, idle, suspicious, and disorderly persons who may be committed by the mayor; and any person who shall fail or refuse to pay the fine, penalty, or costs imposed for any misdemeanor or breach of any ordinance of the city may instead of being committed to jail be kept therein subject to labor and confinement.

Sec. 29. The city council shall have power to compel and force all offenders against any ordinance of this city found guilty by the mayor and sentenced to fine and imprisonment to labor on the streets and alleys of said city or on any public work, under such regulations as may by ordinance be established; to prevent all trespasses, breaches of the peace and good order, assault and batteries, fighting, quarreling, using abusive, obscene, profane, and insulting language, misdemeanors, and all disorderly conduct, and punish all persons thus offending; to prevent and punish the keeping of houses wherein indecent, lewd, or immodest dramatic or theatrical representations are given, and to adopt summary measures for the removal or suppression of all such establishments; to require the owners of private drains, sinks, and privies to fill up, cleanse, drain, alter, relay, repair, fix, and improve the same as may be ordered by any resolution or ordinance of said city; and in the event of any failure, neglect, or refusal to comply with any such order, the party so failing shall be liable to fine and imprisonment. In the event of there being no person in the city on whom such order can be served, the city may have such work done and such improvements made on account of the owner thereof, and all costs, charges, and expenses shall be a lien on the property on the filing of a memorandum by the mayor under the seal of the corporation thereof, and recording the same with the clerk of the county court; and the city may enforce said lien and institute suit in the corporate name and obtain judgment against said party for the amount so due as aforesaid in any court having jurisdiction. To prevent any person from carrying, depositing, or having within the limits of said city any dead carcass or any other offensive or unwholesome substance or matter, and to require the removal or destruction by any person who shall have placed or caused to be placed upon or near his premises or elsewhere of any substance or matter, filth, or any putrid or unsound beef, pork or fish, hides or skins of any kind; and on his default to authorize the removal or destruction thereof by some officer of the city and require the owner of any dead animal to remove the same to such place as may be designated; to prevent, regulate, and control the driving of cattle, horses, and all other animals into or through the city.

Sec. 30. The city council shall have power to pass, publish, amend, or repeal all ordinances, rules, and police regulations not contrary to the constitution of this state, for the good government, peace, and order of the city and the trade and commerce thereof that may be necessary or proper to carry into effect the powers vested by this act in the corporation, the city government, or in any department or office thereof; to enforce the observance of all such rules, ordinances, and police regulations, and to punish violations thereof by fines, penalties, and imprisonment in the prison, work house, or house of correction or to work on the streets or other public works or either in the discretion of the court before whom conviction may be had; but no fine or penalty shall exceed one hundred dollars nor the imprisonment more than fifteen days for any offense unless a larger fine and longer period of imprisonment is herein allowed; and for any fine, penalty, and costs imposed by the mayor in the trial of any cause or complaint before him execution may issue to collect such fine and costs, to be levied and executed in the same manner that executions are from the district court. The same shall be issued by the mayor to the marshal, who in levying on property and selling shall have like power and authority as the sheriff of the county in executions issued from the district court; and the laws of the state as far as applicable shall apply and be in full force and effect as to executions issued from the mayor's court; and any person upon whom any fine or penalty is imposed may be committed until the payment of the same with costs, and in default



thereof may be imprisoned in the city prison or work house or house of correction or may be required to work on the streets or any other public work of the city for such time and in such manner as may be provided by ordinance: Provided, Such imprisonment shall not exceed fifteen days unless a longer period be herein allowed. To pass all necessary ordinances to provide for funding the whole or any part of the existing debt of the city or any future debt by canceling the evidences thereof and issuing to the holders or creditors notes, bonds, or treasury warrants with or without coupons bearing interest at an annual rate not to exceed eight per cent.

Sec. 31. The city council shall have power to appropriate so much of the revenues of the city emanating from whatever source for the purpose of retiring and discharging the accrued indebtedness of the city and for the purpose of improving the public markets and streets, alleys and avenues, and for the purpose of opening streets, alleys, and avenues, or for the purpose of opening, establishing, and improving and maintaining public parks, erecting and conducting city hospitals, city hall, water works, and gas works or other works for properly lighting said city, as they may from time to time deem expedient; and in furtherance of these objects they shall have power to borrow money upon the credit of the city and issue coupon bonds of the city therefor in such sum or sums as they may deem expedient, to bear interest not exceeding six per cent per annum payable semi-annually or annually at such place as may be fixed by city ordinance: Provided, That the aggregate amount of bonds issued by the city council shall at no time exceed six per cent of the value of the property within said city subject to ad valorem tax. All bonds shall specify for what purpose they were issued and shall not be valid if sold for less than their par value, and when any bonds are issued by the city a fund shall be provided to pay the interest and create a sinking fund to redeem the bonds, which fund shall not be diverted nor drawn upon for any other purpose, and the city treasurer shall honor no drafts on said fund except to pay interest upon or redeem the bonds for which it was provided. Said bonds shall be signed by the mayor and countersigned by the secretary and payable at such places and at such times as may be fixed by ordinance of the city council not less than ten nor more than fifty years. It shall be the duty of the mayor whenever any bonds are issued to forward the same to the comptroller of public accounts of the state, whose duty it shall be to register said bond or bonds in a book kept for that purpose and to indorse on each bond so registered his certificate of registration, and to give at the request of the mayor his certificate certifying to the amount of bonds so registered in his office up to date; that it shall be the duty of the mayor at the time of forwarding any of said bonds for registration to furnish the comptroller with a statement of the value of all taxable property real and personal in the city; also with a statement of the amount of tax levied for the payment of interest and to create a sinking fund. The city council shall have power to invest said sinking fund in good interest-bearing securities. The city council shall have the right to enact all necessary ordinances to restrain and punish vagrants, mendicants, street beggars, and prostitutes; to restrain, regulate, control, license, and locate all houses of prostitution or assignation and the keepers and inmates thereof; to regulate, punish, or control all gambling and keepers of games and gambling houses and those who bet on games and gambling devices; and when there is an ordinance of the city of Paris in force punishing this or any other misdemeanor with as great a penalty as the same is punished by the statutes of the state the police court of the city of Paris shall have jurisdiction of such misdemeanors when committed in the corporate limits of the city of Paris.

## OPENING STREETS, ETC.

Sec. 32. Whenever the city council shall hereafter provide by ordinance for the establishing, opening, widening, or altering any street, avenue, alley, market place, or public square, route, or sewer, either on their own motion or a petition of a majority of the adjoining property holders, and it becomes necessary for the purpose to take private property, just compensation is to be paid therefor to the owners of the land condemned and appropriated. Whenever the owner or owners of land cannot agree with a committee of the city council as to the value of the land to be used, the mayor shall cause the value of such property so taken to be ascertained and assessed by a board of appraisers consisting of six disinterested freeholders of the city, to be selected as follows: Whenever any of the aforesaid improvements have been determined upon by the city council, the mayor shall order the marshal to summon twelve disinterested freeholders of the city to appear before him on a day specified in the notice, and he shall have the owner or owners of the land to be taken summoned to appear at the same time and place, and if the owner cannot be found, then notice to be served on the agent of such owner. If any of the twelve freeholders do not appear at the time and place, the marshal shall summon the requisite number to fill the vacancies until there is a panel of twelve. From this list the owner of the land shall have a right to strike off three and the mayor in behalf of the city shall have a right to except to three and the remaining first six shall constitute a board of appraisers. Said board shall have power to regulate their time of sitting, to enforce the execution of all necessary process, and they shall be presided over by the mayor, who shall instruct the board upon all questions of law arising, but shall have no voice in determining the value of the land. A majority of the board may determine and report the value of the land. Said appraisers shall hear evidence as to the value of the property sought to be condemned and as to the damage which will be sustained by the owner thereof by reason of such condemnation, and as to the benefits that will result to the remainder of such property belonging to such owner if any by the construction and opening of such street, avenue, alley, market place or public square, or route or sewer, and shall according to this rule assess the actual damage that will accrue to such owner by said condemnation. When the whole of a person's real estate is condemned the damages to which he shall be entitled shall be the market value thereof. When only a portion of a person's real estate is condemned the appraisers shall estimate the injuries sustained and the benefit received thereby by the owner as to the remaining portion of such real estate, whether such remaining portion is increased or diminished in value by such condemnation and the extent of such increase or diminution, and shall assess the damages accordingly. In estimating either the injuries or benefits as provided herein, those injuries or benefits which the owner of such real estate sustains or receives in common with the community generally, and which are not peculiar to him and connected with his ownership, use, and enjoyment of the particular parcel of land, shall be altogether excluded from such estimate, and the city council shall provide by ordinance for the carrying out and full execution of the decision and award thus made.

## AD VALOREM TAXES.

Sec. 33. The city council of the city of Paris shall have power by ordinance to annually levy and collect such ad valorem taxes as are authorized by the Constitution of the State of Texas on the assessed value of all real

and personal estate and property in said city, not to exceed, however, for all purposes, except the support and maintenance of public free schools in said city, one per cent of the taxable property of said city, and in addition thereto said council shall have the power by ordinance to annually levy and collect not exceeding one-half of one per cent ad valorem taxes on the assessed value of said taxable property for the support and maintenance of public free schools in said city: Provided, That no such tax shall be levied until an election shall have been held, at which none but property tax payers as shown by the last assessment rolls who are qualified voters of said city shall vote, and two-thirds of those voting shall vote in favor thereof. The proposition submitted may be for a tax not exceeding one-half of one per cent or it may be for a specific per cent. One election and no more shall be held in any one calendar year to ascertain whether a school tax shall be levied. If the proposition is carried the school tax shall continue to be annually levied and collected for at least two years thereafter unless it is discontinued at an election held to determine whether the tax shall be continued or discontinued at the request of fifty tax payers of said city. When the tax is continued no election to discontinue it shall be held for two years. When the tax is discontinued no election to levy a tax shall be held during the same year.

#### POLL TAX.

Sec. 34. The city council shall have power to levy and collect an annual poll tax not to exceed one dollar of every male inhabitant of said city over the age of twenty-one years (idiots and lunatics excepted) who is a resident thereof at the time of such annual assessment.

#### OCCUPATION TAX.

Sec. 35. The city council shall have power to levy and collect taxes commonly known as licenses upon trades, professions, callings, and other business carried on, and upon carriages, hacks, coaches, buggies, drays, carts, wagons, and other vehicles used in said city when the same are for public use, and each and every person and firm engaging in the following trades, professions, callings, and business among others shall be liable to pay such license tax, but this enumeration shall not be construed to deprive the city council of the right and power to levy and collect other license taxes and from other persons and firms under the general authority herein granted: Every person and firm engaged in selling goods, wares, and merchandise; every person and firm selling liquors in quantities over a quart; every person or firm keeping a grog shop, tippling house, bar room, or drinking saloon; every person or firm keeping a place where spirituous liquors, wine, cordials, or beer are sold in quantities less than one quart; every person or firm keeping a billiard table, ball alley, nine or ten pin alley, or any similar game; every person or firm keeping a tavern or hotel or boarding house; every person or firm keeping a restaurant or eating house, oyster shop, oyster saloon, or place of any description where eating or refreshments are furnished; every person or firm keeping a livery stable, sale stable, feed or other kind of stable; every person or firm selling goods, wares, and merchandise at public auction; every person or firm pursuing the occupation of real estate broker or agent, merchandise or cotton broker, or commission business; every person or firm pursuing the occupation of hauler or peddler of goods or any articles whatever; every person or firm keeping a brewery, beer shop, or distilling or fruit stand; every person or firm keeping a storage or warehouse or engaging in com-

pressing cotton, keeping an intelligence office; each and every insurance company shall also be liable to pay said city such license tax, and each and every insurance agent in said city shall likewise be subject to said license tax, and such agent shall be held responsible therefor and for each association, corporation, or company of which he is agent; that each and every firm keeping a lumber, wood, or coal yard, or any place for sale of the articles aforesaid or building material, shall be subject to such license tax, and all other persons from whom the city council may require said tax under the authority in this act guaranteed: Provided, Nothing herein contained shall in any wise prevent or restrain the city council from collecting the license and each license tax hereinbefore provided for by this act. Each establishment shall be liable to said license tax, and any person or firm pursuing occupations, business avocations, or callings subject to said tax shall pay on each, and no license shall extend to more than one establishment or include more than one occupation, avocation, or business or calling. The city council shall have power in addition to collect a license tax from all persons, corporations, or firms and occupations upon whom or which a license tax is imposed by the state.

#### TO PROVIDE FOR ASSESSING, ETC.

Sec. 36. The city council shall have power to provide by ordinance for the assessing and collecting of the taxes aforesaid and to determine when taxes shall be paid by corporations and when by the individual corporations: Provided, No tax shall be levied unless by consent of two-thirds of the aldermen elected. The license tax shall be collected by the assessor and collector and shall be paid to that officer by each and every person and firm owing such license and before engaging in any trade, profession, business, calling, avocation, or occupation subject to said tax; and if any person shall engage in any business, calling avocation, or occupation which by an ordinance of the said city is subject to a license tax without first having obtained said license, he, she, or they shall on conviction before the mayor's court be liable to imprisonment or a fine of ten dollars or both imprisonment and such fine for each day such violation of said ordinance may continue, and this article shall apply to all persons owing any license and failing to pay the same: Provided, That the city council may collect said license tax by suit in any court having jurisdiction under such rules and regulations as they may provide by ordinance. Said taxes commonly known as license laid as herein provided shall not be construed to be a tax on property.

#### DEFINITIONS OF REAL AND PERSONAL ESTATE.

Sec. 37. The term real estate or property shall be construed to include lots, lands, and all buildings or machinery and structures of every kind erected upon and affixed to the same. The term personal estate or property shall be construed to include all household furniture, moneys, goods, capital, chattels, public stocks, and stocks of corporations, monied or otherwise, and generally all property which is not real.

#### TAXES FOR PAYMENT OF INDEBTEDNESS.

Sec. 38. The city council may also levy, assess, and collect taxes necessary to pay the interest and provide a sinking fund to satisfy any indebtedness heretofore legally made and undertaken; but all such taxes shall be assessed and collected at the same time as taxes for current expenses of municipi-

pal government, and shall when levied specify in the act of levying the purpose therefor, and such taxes may be paid in the coupon bonds or other indebtedness for the payment of which such tax may have been levied, and no debt shall ever be created by said city unless at the same time provision be made to assess and collect annually a sufficient sum to pay the interest thereon and create a sinking fund of at least two per cent thereon.

#### **MANNER AND TIME OF ASSESSING AND COLLECTING TAXES, AND BOARD OF EQUALIZATION.**

Sec. 39. The city council shall have full power to provide by ordinance the mode and time of assessment of ad valorem taxes and when the same shall be paid and for the prompt collection thereof, and provide for a board of equalization and the powers and duties thereof, and all the duties of the assessor and collector in assessing and collecting taxes of every description imposed by ordinance under this act.

#### **TAX SALE.**

Sec. 40. That if any person shall fail, neglect, or refuse to pay the taxes imposed upon him and his property within the time prescribed by the ordinances of said city, the collector shall by virtue of his tax list and assessment roll levy upon so much property liable to taxation belonging to such person whether resident or non-resident as may be sufficient to pay his, her, or their taxes, and if the property levied on be personal property the collector shall give notice of the time and place of sale, together with a brief description of the property levied on and to be sold with the amount of taxes, interest, costs, and fees, due thereupon, for at least ten days previous to the day of sale, by advertisements in writing to be posted at the door of the city hall of said city and at two other public places within said city limits; and at the expiration of such notice and on the day therein specified the collector shall proceed to sell such at public auction in front of the door of the city hall of said city. In making sales of real property for taxes, the collector shall advertise the same for sale by publishing a list of the names of delinquents for thirty days in some newspaper published in said city, giving in such advertisement such description as is given to the same on the tax roll in his hands, stating the name of the owner if known, and if unknown saying "unknown," together with the time, place, and terms of sale; said sale to be for cash to the highest and best bidder at public outcry at said city hall door between legal hours on the first Tuesday of the month. The collector of taxes in making sales for taxes due upon real estate shall sell at auction at the time and place appointed so much of said real estate as may be necessary to pay the taxes, interest, and penalties due, and all costs accruing thereon, and shall offer said real estate to the bidder who will pay the taxes, interest, and penalties due, and costs of sale and execution of deed for the least amount of said real estate, who shall be deemed the highest bidder. Should a less amount of said real estate than the whole parcel levied upon be sold for the taxes, interest, and penalties due, and all costs of sale and execution of deed, the collector shall in making his deed to the purchaser begin at some corner of some parcel of real estate (lot or lots) and designate the same as nearly as practicable. No real estate set apart and used or designated as a homestead shall be sold for taxes other than the tax due on such homestead, and if any person shall point out to the collector of taxes within thirty days from the time the same shall become due sufficient personal property belonging to

him to pay all taxes assessed against him, together with interest, penalties, and costs, the collector shall immediately levy upon and sell such property so pointed out in accordance with the provisions hereinbefore mentioned regulating tax sales of personal property. The collector of taxes shall execute and deliver to the purchaser upon the payment of the amount for which the estate was sold and costs and penalties a deed for the real estate sold, which deed shall vest a good and perfect title in the purchaser if not redeemed in two years as hereinafter provided, which deed shall state the cause of sale, the amount sold, the price for which the real estate was sold, the name of the person, firm, company, or corporation on whom the demand for taxes was made, provided the name is known and if unknown saying "unknown," the same description of the land as given in the tax rolls, and such other description as may be practicable for better identification; and when real estate has been sold he shall convey, subject to the right of redemption hereinafter provided for, all the right and interest which the former owner had therein at the time the assessment was made. The deed of the collector as hereinbefore provided of any real estate sold shall be prima facie evidence in all controversies and suits in relation to the right of the purchaser, his, her, or their assigns, to the premises thereby conveyed of the following facts: First—That the land or lot or portion thereof conveyed was subject to taxation or assessment at the time the same was advertised for sale and had been listed in the time and manner required by law. Second—That the taxes or assessment were not paid at any time before the same. Third—That the land, lot, or portion thereof conveyed had not been redeemed from the sale at the date of the deed. And shall be conclusive evidence of the following facts: First—That the land, lot, or portion thereof sold was advertised for sale in the manner and for the time required by law. Second—That the property was sold for taxes or assessments as stated in the deed. Third—That the grantee in the deed was the purchaser. Fourth—That the sale was conducted in the manner prescribed by law. And in all controversies and suits involving the title to land claimed and held under and by virtue of such deed the person or persons claiming adverse to the title conveyed by such deed shall be required to prove in order to defeat the said title either that the land was not subject to taxation at the date of the sale, that the taxes or assessments had not been paid, that the lands or lot had never been listed and assessed for taxation and assessment as required by this act or some ordinance of the city, or that the same had been redeemed according to the provisions of this act, and that such redemption was made for the use and benefit of the person having the right of redemption under the law; but no person shall be permitted to question the title acquired by the said deed without first showing that he, she, or they, or the persons under whom he, she, or they claim title, had title to the land at the time of the sale or that the title was obtained after the sale, and that all taxes due upon the land have been paid by such person or the person under whom he claims title as aforesaid: Provided, however, That the owner of such property shall have the right to redeem the same at any time within two years of the day and date of the sale thereof upon paying to the purchaser double the amount of the taxes for which the same was sold, together with the costs of such sale and the amount of all taxes paid by the purchaser since such sale. The collector shall have full power to levy upon any personal property to satisfy any tax imposed by this act. All taxes shall be a lien upon all property upon which they are assessed, and if said taxes are not paid on or before the time prescribed by the ordinance of said city the same shall from such time bear interest at the rate of eight (8) per centum per annum, till paid, which interest shall be collected by the collector at the

time and in the manner provided herein for the collection of taxes; and in case any property levied upon is about to be removed out of the city the collector shall proceed to take into his possession so much thereof as will pay the taxes assessed and costs of collection. If from any cause the sale of the property levied upon or seized for taxes shall not take place at the time appointed, the collector shall appoint some other time, giving the like notice, and proceed to sell such property in the manner prescribed in the first instance; and in case said property or any part thereof levied upon or seized for taxes can not be sold on the day advertised, such sale may be postponed from day to day until completed, of which postponement the collector shall give verbal notice at the expiration of sale each day. No sale shall be considered complete until payment of the purchase money, and if the same is not paid before the completion of such tax sales the collector shall resell the property and continue such sale until the same is complete. Should the collector of taxes fail to make sale of any real estate or personal property for want of a purchaser, he shall bid the same off to the city for the taxes, interest, penalties, and all costs accruing thereupon, and thereupon the city shall receive in the corporate name a deed for said property and shall be vested with the same rights as other purchasers at such sales and shall have power to sell and convey the same, and one deed shall include all parcels of land or lots bid off to the city in any one day at such tax sale; and after sale and purchase by the city of any real estate it shall not be lawful for said collector to levy upon or advertise or sell the same for any remaining or accruing taxes due thereon until the same shall have been redeemed by the owner or is sold by the city.

#### FIRE DEPARTMENT.

Sec. 41. The city council may organize a fire department, and said department as now organized shall remain until changed by the council, and the city council may by ordinance establish such regulations for the prevention and extinguishment of fires as the said council may deem expedient, and generally exercise and enforce all needful measures necessary for this purpose the same as if specific authority was granted, the intention of this section being to clothe the said council with full power to prescribe rules and regulations for the organization, government, and maintenance of said fire department and for the extinguishment of fires and to provide the means therefor.

#### SANITARY DEPARTMENT.

Sec. 42. The city council may by ordinance establish rules and regulations for the health of the inhabitants of said city, and shall have full power generally to adopt and prescribe all measures to prevent disease and pestilence of every nature, and to punish any violation of the same by fine and imprisonment or both, and may appoint a health physician and inspector and prescribe their powers, duties, and compensation.

#### REMOVAL OF DANGEROUS BUILDINGS.

Sec. 43. Whenever in the opinion of the city council any building, fence, shed, awning, or any erection of the kind or any part thereof is liable to fall down and endanger persons or property, they may order any owner or agent of the same, or any owner or occupant of the premises on which said building, shed, awning, or other erection stands or to which it is attached, to take down

and remove the same or any part thereof within such time as they may direct, and to punish by fine and imprisonment or either any neglect, failure, or refusal to comply therewith. The city council shall in addition have the power to remove the same at the expense of the city on account of the owner of the property or premises and assess the expense on the land on which it stood or to which it was attached, and shall by ordinance provide for such assessment, the mode and manner of giving notice, and the means of recovering any such expenses.

#### WRITS OF MAYOR, ETC.

Sec. 44. Writs issued by the mayor of said city for offenses against the laws may be executed and the accused person or persons arrested by the marshal or his deputies anywhere within the county of Lamar. Whenever any person has been required by the mayor to give a peace bond or a bond for good behavior, or any similar bond under this act, and has complied with such order and been guilty of a violation or infraction of such bond, and the same is proved or established to the satisfaction of that officer on any trial or complaint, such party so offending may be fined in the sum of two hundred dollars and imprisoned for two months, and the city in its corporate name may sue in any court having jurisdiction for the recovery of the penalty of such bond.

#### OFFICIAL PAPER AND PUBLICATION.

Sec. 45. The city council shall as soon as it may be after the commencement of each municipal year contract, as they may by ordinance or resolution determine, with a public newspaper of the city as an official paper thereof and to continue as such until another is elected, and shall cause to be published therein all ordinances, notices, and other matters required by this act or by the ordinances of the city to be published. The city council shall at least ten days before the expiration of each municipal year cause to be published in a city newspaper a correct and full statement of the receipts and expenditures from the date of the last annual report, together with the sources from which the funds were derived and showing for what purpose disbursed, the condition of the treasury, together with such information as may be necessary to a full understanding of the financial condition of the city. Every ordinance imposing any penalty, fine, imprisonment, or forfeiture for violation of its provisions shall after the passage thereof be published in every issue of the official paper for ten days, and proof of such publication by the printer or publisher of such newspaper taken before any officer authorized to administer oaths and filed with the secretary, or any other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinances in all courts. Ordinances passed by the city council and requiring publication shall be in force from and after the publication thereof, unless it be therein otherwise expressly provided. Ordinances not requiring publication shall take effect and be in force from and after their passage, unless it shall be therein otherwise expressly provided. All ordinances of the city when printed and published by authority of the city council shall be admitted and received in all courts and places without further proof.



### STYLE OF ORDINANCES, AND WHEN PUBLISHED ADMISSIBLE IN EVIDENCE.

Sec. 46. The style of ordinances shall be, "Be it ordained by the city council of the city of Paris;" but it may be omitted when published in the form of a book or pamphlet as a digest; and when printed and published by authority of the city council the same shall be admitted and received in evidence in all courts of this state without further proof, whether said publication be by separate ordinance or in the form of a book or pamphlet as a digest.

### FINES, FORFEITURES, ETC.

Sec. 47. All fines, forfeitures, and penalties for the breach or violation of any regulation, order, or ordinance of said city council shall when collected be paid into the city treasury for the use and benefit of the city or to the credit of any special fund or for any special purpose directed by ordinance of the city council.

### ELIGIBILITY, RESIGNATION, AND REMOVAL OF OFFICERS, ETC.

Sec. 48. No person other than an elector resident of the city shall be appointed to any office by the city council. Resignation by any officer authorized to be elected or appointed by this act shall be made to the city council in writing subject to their approval and acceptance: Provided, That nothing in this section shall apply to appointments by the mayor. Any such appointee wishing to resign shall present his resignation to that officer in writing for his action. The city council shall have power to remove any officer for incompetency, corruption, misconduct, malfeasance in office, after due notice and an opportunity to be heard in his defense. In addition to the foregoing power of removal, the city council shall have power at any time to remove any officer of the corporation elected by them by resolution declaratory of its want of confidence in said officer: Provided, That two-thirds of the aldermen elected vote in favor of said resolution. Whenever any person shall be removed from any office or the term for which he was elected or appointed has expired, or he has resigned or has ceased to act in official capacity, he shall deliver over to his successor all books, papers, moneys, and effects in any way appertaining to his office. Every person violating this provision shall be guilty of a misdemeanor and shall be deemed an offender within the meaning of any law of the state punishing such offenses, and in addition thereto he shall on conviction before the mayor be fined in a sum not exceeding five hundred dollars and imprisoned for any time not exceeding six months or either. Any officer who shall have been entrusted with the collection or custody of funds belonging to said city, who shall be in default to said city, besides being liable to criminal prosecution and civil action for debt, shall thereafter be incapable of holding any office under said city until the amount of his defalcation shall have been fully paid to the city with twelve per cent interest.

### MEMBERS OF THE CITY COUNCIL INELIGIBLE TO OTHER OFFICE.

Sec. 49. No member of the city council shall hold any other employment or office under the city government while he is a member of said council unless herein otherwise provided, and no member of the city council or any officer of the corporation be directly or indirectly interested in any work,

business, or contract, the expense, price, or consideration of which is paid from the city treasury or by an assessment levied by an ordinance or resolution of the city council, nor be the surety of any person having a contract, work, or business with said city for the performance of which security may be required, nor be the surety on the official bond of any officer of the city.

**TO ENFORCE ATTENDANCE OF MEMBERS OF COUNCIL, ETC.**

Sec. 50. The city council may adopt such rules and prescribe such penalty as said council may see fit to enforce the attendance of its members at all called and regular meetings of the council or its committees, and may adopt rules of order for its own government when in session.

**TO PRESCRIBE DUTIES OF OFFICERS.**

Sec. 51. The city council shall have power to prescribe the duties of all officers and persons appointed by them or elected to any office or place whatever subject to the provisions of this act; to remit in whole or in part and on such conditions as may be deemed proper by a vote of two-thirds of the members present any fine or penalty belonging to the city which may be imposed or incurred under any ordinance or resolution passed in pursuance thereof.

**SALARY OF OFFICERS.**

Sec. 52. The city council shall on or before the first day of January next preceding each and every election fix the salary of the mayor to be elected at the next regular election, and shall at the same time establish the compensation or salary to be paid to the officers elected or appointed by the city council, and the compensation or salary so established shall not be changed during the term for which said officers shall be elected or appointed: Provided, That the salaries of the officers first elected under the charter may be fixed at the first meeting of the board of aldermen or as soon thereafter as practicable.

**EXEMPTION FROM COST BOND IN SUITS.**

Sec. 53. It shall not be necessary in any action, suit, or proceeding in which the city shall be a party for any bond, undertaking, or security to be executed in behalf of the city; but all such actions, suits, and proceedings shall be conducted in the same manner as if such bond, undertaking, or security had been given, and for all the purposes of such actions, suits, and proceedings the city shall be liable in the same manner and the same extent as if the bond, undertaking, or security in ordinary cases had been duly given and executed.

**CEMETERY LOTS EXEMPT FROM TAXES AND FORCED SALES.**

Sec. 54. The cemetery lots which have and may hereafter be laid out and sold for said city for private places of burial shall with their appurtenances be forever exempt from taxes, executions, attachments, or forced sales.

**RATES OF INTEREST.**

Sec. 55. No indebtedness of any character whatever hereafter incurred by said corporation shall draw a higher rate of interest than ten per cent per annum.

## ORDINANCES, ETC., NOW IN FORCE.

Sec. 56. All ordinances, resolutions, rules, or regulations now in force in said city and not in conflict with this act shall remain in force until altered, amended, or repealed by the city council; and all rights, actions, fines, penalties, and forfeitures in suits or otherwise which have occurred under the laws heretofore in force in said city shall be vested in and prosecuted by the corporation hereby created, and no suits pending shall be affected by the passage of this act, but the same shall be prosecuted or defended as the case may be by the corporation hereby created, and all property, real, personal, or mixed, belonging to said city is hereby vested in the corporation created by this act, and the officers of said city in office at the date of the passage of this act shall continue in the same until superseded or removed in conformity with the provisions of this act from and after the time it takes effect.

## LIABILITY FOR PRESENT AND PAST INDEBTEDNESS.

Sec. 57. The corporation of the city of Paris hereby created shall be liable for all legal indebtedness heretofore created and now in existence against said city as fully and completely as if the same had been contracted under this act, and the city council shall have full power to enact by ordinance all rules and regulations for the assessment and collection of taxes to meet said indebtedness and to carry out the provisions of this section.

## NEW TERRITORY TO BE ADMITTED.

Sec. 58. The city council may by a two-thirds vote of the members present at any meeting admit into this corporation any additional territory adjoining that set out in section 1 of this act when a written request signed by at least two-thirds of the resident voters and owners of land in such territory shall be presented to said city council, and when new territory shall be thus admitted the same shall constitute part of this corporation the same as that heretofore set out.

## APPOINTMENT OF THE TERMS OF ALDERMEN.

Sec. 59. The first alderman elected under this act from each ward shall at the first meeting draw for the long and short terms in such manner as they may decide, and the one drawing the short term from each ward shall serve till the next general election, and the one drawing the long term shall serve till the second general election; and the same mode shall be adopted whenever the same question may arise when not otherwise prescribed herein.

## CITY CONSTITUTED SCHOOL DISTRICT.

Sec. 60. The corporation created by this act shall be a separate school district upon its compliance with the statutes of the state in such cases, and shall have full power to take charge of, govern, control, and maintain free schools within said city subject to the constitution and laws of this state and in compliance therewith, and until altered, changed, amended, or repealed, all rules, resolutions, regulations and ordinances in references to said schools now in effect in said city shall remain and have full force and effect over all the territory included in the incorporation hereby created and the school tax heretofore adopted by a vote of the people of said city shall continue in force till repealed by a vote of the people as provided by law.

APPOINTMENT OF OFFICERS.

Sec. 61. The mayor shall have power to nominate and by and with the consent of the board of aldermen to appoint all city officers not ordered by this act to be otherwise elected: Provided, Any alderman may also make nominations for any of the city officers herein referred to.

TO TAKE EFFECT.

Sec. 62. That this act shall take effect from and after its passage and all laws in conflict herewith are hereby repealed. It being important that the city of Paris should immediately have the benefit conferred by this act in order to at once exercise some of the increased powers herein conferred to make some much needed public improvements and for other purposes, an emergency is created that this act take effect and be in force from and after its passage and it is so enacted. The near approach of the close of the session creates an imperative public necessity and emergency demanding the suspension of the constitutional rule requiring a bill to be read on three several days and such rule is hereby suspended.

[Note.—The foregoing act originated in the senate, and passed the same by a vote of 27 yeas, no nays; and passed the house by a vote of 88 yeas, no nays.]

Approved March 27, 1889.

SAN ANTONIO—AMENDMENT TO CHARTER OF THE CITY OF.

Sec.

1. Amends certain sections of the charter of said city.

Subsection 1. Incorporating clause.

Subsection 4. Wards.

Subsection 5. Officers elected by city.

Subsection 6. Elections, when held.

Subsection 24. Officers to be elected by city council.

Subsection 34. Eligibility to office.

Subsection 35. Vacancies in the office of mayor, how filled.

Subsection 37. Vacancies in the office of alderman, how filled.

Subsection 38. Mayor pro tem. during absence or inability of mayor.

Subsection 39. City council, how constituted.

Subsection 40. Meetings of city council.

Subsection 43. To borrow money for street improvements, etc.

Subsection 45. To provide money for payment of debts, etc.

Subsection 46. To provide water supply, etc.

Subsection 51. To provide for lighting, etc.

Subsection 55. To regulate duties, powers, etc., of officers.

Subsection 60. To establish bridges, culverts, etc.

Subsection 61. To provide for inspection of meat, fish, vegetables, etc.

Subsection 69. To inspect erection of buildings, etc.

Subsection 73. To tax and regulate hackmen, etc.

Subsection 79. To establish standard weights and measures, etc.

Sec.

Subsection 107. Mayor shall preside over city council, etc.

Subsection 121. Jury fee.

Subsection 130. Collector of taxes, duties of, etc.

Subsection 134. City attorney, duties of, etc.

Subsection 135. City clerk, duties of, etc.

Subsection 136. Auditor, duty of, etc.

Subsection 173. Poll tax.

Subsection 176. Occupation tax.

Subsection 183. Collection of taxes, etc.

Subsection 190. Duties of collector of taxes after assessment.

Subsection 192. Assessment of unrendered property, etc.

Subsection 194. Board of appeal and revision.

Subsection 195. Rendition of property for taxation.

Subsection 201. Widening and straightening of streets, etc.

Subsection 222. Dangerous structures, etc.

Subsection 223. Peace bonds, etc.

Subsection 226. Quorum of city council.

Subsection 238. Not disqualified as judge, justice or juror, when.

Subsection 249. Compensation of mayor.

2. Adds certain sections to the city charter.

Subsection 255. Repeals sections 36, 53, 58, 111, 116, 128, 129, 133, 137, 232, 241, 243, 244.

Subsection 256. City charter and amendments, evidence.

3. Emergency clause.

CHAP. 15.—[S. H. B. No. 616.] An Act to amend an act incorporating the city of San Antonio, approved August 13, A. D. 1870, and all acts amendatory thereof; to provide for the repeal of certain sections thereof, to add certain sections thereto, and to validate all amendments thereto and all acts thereunder.

Section 1. Be it enacted by the Legislature of the State of Texas: That the following sections of the act of the legislature incorporating the city of San Antonio, approved August 13, 1870, with the subsequent amendments thereof, be so amended as to hereafter read as follows:

Section 1. That all inhabitants of the city of San Antonio are hereby constituted a body corporate and politic, and shall have power:

First—To sue and be sued.

Second—To purchase and hold real and personal property for the use of the city.

Third—To sell and convey any real or personal estate owned by the city and make such order respecting the same as may be conducive to the interest of the city: Provided, That the said city shall not sell any lands now owned by said city lying in the territory north of the county poor farm and west of the San Antonio river, and shall not rent or lease the same for any purpose for a term exceeding ten years at any one time.

Fourth—To make all contracts and do all other acts in relation to the property and concerns of the city necessary to the exercise of its corporate administrative powers.

Fifth—To have a corporate seal.

Section 4. The city council shall divide the city into as many wards as they may deem necessary; to number the same and fix the boundaries thereof so that each ward shall contain as nearly as possible the same number of inhabitants or electors, which said wards as well as the boundaries thereof the city council may change from time to time as they may deem expedient: Provided, That no change in the wards or the boundaries thereof shall be made within six months next preceding an election to be held in said city.

Section 5. That on the second Monday in February, beginning with the year 1891, a mayor, recorder, collector, assessor, treasurer, city engineer, city attorney, city marshal, auditor, and one alderman from each ward in the city and four aldermen for the city at large, shall be voted for, and the returns of such election shall be made as hereinafter provided.

Section 6. That the first election under this act shall be held as provided in section 5, and every two years thereafter shall be the regular charter election for all elective officers.

Section 24. At the first meeting of the city council after the promulgation of the result of the election for mayor and other officers, the city council shall proceed to elect a city clerk, one physician, one street commissioner, one or more market masters, one or more water commissioners, and one or more assistant marshals, and such police and other officers as they may deem necessary for the proper administration of the city government and for the interest of the city. They may provide by ordinance for the suspension or removal, by a two-thirds vote of the entire council, of all officers elected by the people or appointed by the council, for malfeasance, misfeasance, or nonfeasance in office, and shall fill vacancies as they may occur: Provided, Such vacancies occur not less than nine months before the expiration of the term of office of parties vacating.

Section 34. No person shall be elected or appointed to any office in the city who is disqualified from holding office under the fourteenth amendment of the constitution of the United States, and at the time of his election or appointment is not a citizen of the state of Texas and a resident within the city limits at least one year preceding such election or appointment.

Section 35. If the office of mayor should become vacant by death, removal of the mayor beyond the city limits, or otherwise, a majority of the aldermen may elect one of their number mayor for the time being to fill the vacancy until his successor is elected and qualified. Should such vacancy occur more than nine months prior to the first regular election to be held thereafter, then in that case such acting mayor or in case of his refusal any three aldermen are hereby required to issue a proclamation for a new election

forthwith, to be held in the same manner as regular city elections for that purpose are required to be held. The person elected to act as mayor for the time being shall receive the same compensation to which the mayor would have been entitled.

Section 37. In case of vacancy in the office of alderman such vacancy shall be filled by a majority vote of the city council: Provided, Such vacancy occurs within nine months of an election therefor; otherwise the mayor shall order an election to fill such vacancy: Provided further, That the successor of a ward alderman shall in every case be a resident of the same ward as his predecessor.

Section 38. At the first meeting of the city council after the promulgation of the results of the election of mayor and other officers, the city council shall elect one of their number to act as mayor during any inability, absence, or refusal of the mayor to act, and the said aldermen when acting as mayor as aforesaid shall have all the powers herein conferred on the mayor and shall sign all official documents as acting mayor.

Section 39. The twelve aldermen shall constitute the city council of said city. The city council shall meet at such times and places as they shall by resolution or ordinance direct. The mayor when present shall preside at all meetings of the city council and shall have in all cases of a tie vote the casting vote. In the absence of the mayor, the acting mayor herein before provided for and in case of his absence any alderman may be appointed to preside, in which case the acting mayor or alderman who presides shall vote as an alderman only.

Section 40. The city council shall hold regular meetings at stated times at least once in each month; and the mayor of his own motion or any three aldermen may call special meetings, the object of which said special meetings shall be submitted to the council in writing and the call and object thereof shall be entered on the journal by the clerk. The city council shall have power to prescribe rules and regulations for their government while in session and for the enforcement thereof.

Section 43. To borrow money on the credit of the city and issue bonds therefor to an amount not to exceed fifty thousand dollars (\$50,000) for street improvements, and ten thousand dollars (\$10,000) for sidewalk purposes during one year: Provided, That the sum of ten thousand dollars (\$10,000) per year for sidewalk purposes may be borrowed for and during five years from the passage of this act and not thereafter. To make a loan exceeding the aforesaid sums the question must be submitted to the property tax payers voters of the city, and if sustained by a majority of the votes polled such loan shall be lawful. All bonds shall specify for what purpose they were issued and shall not be sold for less than their par value: Provided, That no debt shall be contracted for the payment whereof such bonds are issued (except the sidewalk bonds) until such bonds shall have been disposed of and the proceeds thereof paid into the city treasury, and when any bonds are issued by the city a fund shall be provided to pay the interest and ten per cent per annum on the principal as a sinking fund to redeem the bonds, which fund shall not be diverted or drawn for any other purpose, and the city treasurer shall honor no draft drawn on said fund except to pay the interest or to redeem the bonds for which it was provided, and for the payment of such loan to levy a special tax over and above the general tax allowed by this act: Provided, the rate of tax shall not exceed one-half of one per cent, and the rate of interest paid shall not exceed six per cent: Provided also, No loan shall be made for any other purpose or purposes than those connected with the corporation of said city, and no loan shall be made

to aid any private enterprise, railroad, or undertaking not under the management and control of the city council, the sinking fund for the redemption of any loan or debt to be invested as fast as the same accumulates in United States interest-bearing bonds, bonds of the state of Texas, or in city bonds, and such bonds and the interest of such bonds to be reinvested and to be sold when necessary to pay debts or loans. The amounts expended by the city out of said sidewalk fund for the construction of sidewalks for individuals shall as fast as the same is repaid by such individuals to the city be used for street improvements.

Section 45. To appropriate money and provide for the payment of the debts and expenses of the city: Provided, That the bonded debt of the city shall not be increased nor other evidences of debt be issued exceeding the amounts provided for in section 43 hereof in any one fiscal year unless authorized by a vote of the property tax payers as herein before provided. The fiscal year shall commence on the first day of March and terminate on the last day of February following.

Section 46. To provide the city with water; to make, regulate, and establish public wells, water works, pumps, cisterns, fountains, hydrants, and reservoirs in the streets and public places and elsewhere within the said city or beyond the limits thereof for the extinguishment of fires and all other public purposes as well as for private use for the inhabitants of said city, and to regulate and prescribe the rate, prices, and terms at which water shall be furnished for public as well as for private purposes to such inhabitants and to said city; and to make, regulate, and establish all irrigation ditches, and to have entire control of the same, and to regulate, fix, and prescribe the rates, prices, and terms upon which water may be furnished to such inhabitants.

Section 51. To provide for the lighting of the streets and the erection of lamp posts; to exclusively regulate, direct, and control the erection and construction of telegraph, telephone, and electric light posts, poles, and wires; to require the removal or changing of all such posts, poles, and wires, and to require the laying of all telegraph, telephone, electric light, and all other wires under ground in such manner, and such depth, and with such insulation as the city council shall deem necessary or proper; to exclusively regulate, direct, and control the laying and repairing of all gas pipes and gas fixtures in the streets, alleys, sidewalks, and elsewhere.

Section 55. To regulate and prescribe the duties and powers and compensation of all officers, agents, and employees of the city, except the compensation of the mayor, and to require bonds; to create any office or employ any agent they may deem necessary for the good government and interest of the city, and to change or prescribe additional duties of all such officers and agents: Provided, That the compensation of all officers shall not be increased or diminished during their term of office.

Section 60. To establish, erect, construct, regulate, and keep in repair bridges, culverts, and sewers, sidewalks, and crossways, and to regulate the construction and use of the same, and to abate and punish any obstructions or encroachments thereon; and the cost of the construction of the sidewalks as well as the curbing therefor shall be defrayed by the owner of the lot or block fronting on the sidewalk; and the cost of any sidewalk and curbing constructed by the city shall be collected if necessary by sale of the lot or part of lot or block on which it fronts, together with the cost of collection, in such manner as the city council may by ordinance provide; and a sale of any lot or part of lot or block to enforce the collection of the cost of such sidewalk and curbing shall convey a good title to the purchaser, and the balance of the proceeds of sale, after paying the amount due the city and

costs of sale, shall be paid by the city to the owner: Provided, That one-fifth of the cost of such sidewalk and curbing shall become delinquent six months after the completion of the sidewalk, and one-fifth every six months thereafter until it is all paid, and if one installment becomes due and is unpaid the entire amount remaining unpaid shall immediately become delinquent, and collection thereof shall be enforced as herein before provided. Such sum shall bear interest from the time of the completion of the work at the rate of eight per cent per annum.

Section 61. To provide the mode of inspection of meat, fish, vegetables, fruit, and every article or thing offered for sale in the market places or elsewhere in the city, and to require the hides and skins of animals slaughtered for sale thereat to be brought to said market or markets, or to such other places as may be directed by the city council, that the mark and brands may be examined by some officer authorized by the city council, who shall keep record thereof for public inspection.

Section 69. To inspect the construction of buildings and to cause unsafe buildings to be made safe or be removed, and to prohibit the use of certain materials deemed unsafe, and to require every person desiring to erect a building in the city to take out a permit for the same, and to keep a register of all buildings both private and public erected, of the kind of material used, and of the intended use of such buildings; to prescribe the material to be used in the construction of buildings, the mode and manner of their construction, the thickness of the walls thereof, and the height of such buildings.

Section 73. To license, tax, and regulate hackmen, draymen, drivers of omnibuses and baggage wagons, porters, and all others pursuing like occupations with or without vehicles, and prescribe their compensation; and to regulate, license, and restrain runners for railroads, stages, and public houses.

Section 79. To establish standard weights and measures to be used within the city in all cases not otherwise provided for by law; to require all traders and dealers in merchandise or property of any kind which is sold by weight or measure to cause their weights and measures to be tested and sealed by the inspector of weights and measures. The standard of such weights and measures shall be conformable to those established by law.

Section 107. The mayor shall preside at all the meetings of the city council, except as herein otherwise provided, and shall have no vote except a casting vote when the council is equally divided, and shall have the superintending control of all the officers and affairs of the city and shall see that the ordinances of the city and the provisions of this act are complied with.

Section 121. Persons arraigned for violation of city ordinances demanding trial by jury shall deposit with the clerk of the court the sum of three dollars, security for the payment of the cost of such jury.

Section 130. The collector shall collect all taxes due the city, and in the event of the non-payment of any taxes shall proceed to sell property to raise the amount of taxes due thereon, and shall in the performance of such duties observe the provisions of this act, and the ordinances of the city relating thereto. He shall give bond in such amount as the city council may require with good and sufficient sureties; and the city council may require a new bond whenever in their opinion the existing bond is insufficient; and whenever such new bond is required he shall perform no official act until said bond shall be given and approved. He shall at the expiration of every week pay to the treasurer all the money by him collected, in the same funds received by him, taking duplicate receipts therefor, one of which shall be filed with the city clerk on the next Monday thereafter, and shall report to the city council at the first meeting of that body in each month all money so collected



and paid; and he shall perform all such other duties in such manner as the city council may prescribe. He shall collect all sums due for licenses, give itemized receipts for the same, as well as for all other moneys paid him for taxes, and for that purpose said collector shall keep a book containing blank receipts as well as corresponding marginal summaries, and before delivery of any receipts shall fill up a blank therefor as well as the corresponding marginal summary in said book, leaving therein the corresponding marginal summary as a permanent register of his office subject to public inspection. He shall produce said register at every regular meeting of the council, and at every special meeting when required. He shall require all persons doing any business for which a license may be necessary to take out such license. He shall report to the mayor all persons engaged in any business illegally or without license. He shall give notice to all tax payers within one week after receiving the tax rolls by advertising in the official journal of the city that said taxes are due and payable and when the same may be paid, and shall generally comply with such rules and regulations as the city council may prescribe.

Section 134. The city attorney shall by himself or deputy appear and prosecute all cases in the recorder's court arising under the ordinances of the city, and shall attend the meetings of the city council to give his advice and counsel; he shall give his opinion upon all legal questions arising under the city government, and shall aid when called upon to revise or draw up any ordinance of the city, and shall attend to all the legal business of the city of whatever nature.

Section 135. That it shall be the duty of the city clerk to attend every meeting of the city council and keep accurate minutes of the proceedings thereof in a book provided for that purpose; engross all laws, resolutions, and ordinances of the city council; to keep the corporate seal; to take care of, preserve, and keep in order all the books, records, papers, documents, and files of said city; to countersign all commissions issued to the city officers and license issued by the mayor, and keep a record of register thereof; and to make out all notices required under any regulation or ordinance of the city. He shall draw all warrants on the treasurer and countersign the same and keep an accurate account thereof in a book to be kept for that purpose. He shall have power to administer oaths and affirmations and give certificates thereof.

Section 136. The auditor shall be the general accountant of the city and shall keep in books regular accounts of all receipts and disbursements of the city, and separately under proper heads each cause of receipt and disbursement, and also accounts with each person, including officers who have money transactions with the city, crediting amounts allowed by proper authority and charging each with all warrants drawn in his favor and specifying the particular transaction to which such entries apply; and he shall perform all such other duties as may be required of him by ordinance.

Section 172. The city council shall have power within the city by ordinance to annually levy and collect taxes for general purposes, not exceeding one per cent on the assessed value of all real and personal estate and property in the city, including all money loaned therein at interest, although the owners thereof may be non-residents.

Section 173. To annually levy and collect a poll tax, not to exceed one dollar, of every male inhabitant between twenty-one and sixty years of age who has resided therein twelve months previous to the assessment of said tax.

Section 176. Any person or firm pursuing occupations, business, avocations, callings subject to a license tax shall pay on each, and on license

shall extend to more than one establishment, or include more than one occupation, avocation, business, or calling.

Section 183. The city council may and shall have power to provide by ordinance for the prompt collection of all taxes assessed, levied, and imposed by this act hereby authorized and due to said city, and to that end may and shall have power and authority to sell real as well as personal property, and bring suits therefor in courts of competent jurisdiction, and may and shall make all such rules and regulations, and ordain and pass all such ordinances as they may deem necessary to the levying, laying, imposing, assessing, and collecting of any of the taxes herein provided for, and all such taxes shall bear interest at the rate of eight per cent per annum from the date when collection thereof can be enforced.

Section 190. The collector after the completion of the assessment rolls, as required by ordinance, shall proceed to collect the taxes therein mentioned within the time and give such notice as may be prescribed by the city council.

Section 192. Whenever the assessor shall ascertain that any real or personal property has not been assessed for the past year he shall assess the same in his next assessment roll (in a supplement thereto) at the same rate as such property should have been assessed, stating the year for which it is assessed, and the taxes thereon shall be collected in the same manner as other assessments. In all cases where any party has omitted to render property for taxation for any former year or years, and such taxes have not been paid, such party shall give such property for assessment for the years thus omitted and pay said taxes, and the assessor shall enter such property in a supplement to his next assessment roll under the head of "Payments for former years."

Section 194. The city council, or at least the mayor and three aldermen, shall sit as a board of appeal and revision, to whom shall be submitted by the assessor the tax list, and before whom persons feeling aggrieved may appeal in writing, stating his or her grievance. Said board shall hear and determine all such appeals in a summary manner, correct errors, appraise all property assessed as unknown, and increase or diminish any assessment as they may deem just: Provided, That no assessment shall be increased unless the owner of such property has been notified to appear before such board and given an opportunity to make his objections to such increase, a copy of which notice shall with the officer's return thereon be filed with the city clerk. After the board have revised such tax list the assessor shall make out a correct list and enter the amounts due by each person, as well as the property assessed, and it shall be immediately delivered to the collector, who shall give a receipt for the aggregate amount thereof, which shall be charged to him. If after or before payment of taxes by any person any error is discovered in amount such error shall be corrected by the board on application in writing, and the overcharge if paid shall be refunded to the person having paid the same.

Section 195. Every person, partnership, and corporation owning property within the limits of the city shall within two months after published notice hand in to the assessor of the city a full and complete inventory of the property possessed by him, her, or them, or controlled by him or her as the agent of any person, partnership, or corporation within the said limits not exempted from taxation, on the first day of March of the current year, verified as may be required by ordinance; and any person failing or refusing to comply with the provisions of this section shall be liable to fine and imprisonment; and the city council shall by ordinance clearly define the duties of tax payers herein, and make all necessary rules and regulations to secure the rendition of property and the collection of taxes due thereon, and pre-

scribe the oath to be taken by the person assessing property as aforesaid for himself or herself, or as agent for another.

Section 201. In the widening or straightening of any street, avenue, or alley, the city council shall determine by ordinance the manner and extent of such widening and straightening. Upon the filing of such ordinance and the plan of the proposed widening with the county clerk it shall be the duty of the county judge to appoint three disinterested freeholders of the city as commissioners who after being duly sworn to act with fidelity and impartiality shall carefully estimate the value of the property necessary to be taken for such widening or straightening, making a separate estimate in the case of each owner. It shall be thereafter the duty of the commissioners to estimate the benefits accruing to any property on the street and in the vicinity that they may consider benefited by such improvement, filing with their report a list of the owners of such property and the amount of the supposed benefit stated separately in each case. On the filing of such report with the city clerk the city council shall at their first meeting or as soon as practicable thereafter give five days public notice through the official journal at what time said reports will be acted upon (which shall not be less than ten days after the expiration of said notice), and all parties feeling aggrieved by the action of the said commissioners may be heard by the council on appeal. The action of the city council shall be limited to the increase of value of the award for property taken, or decrease of the assessment for supposed benefit to property by the improvement contemplated. The city council by tendering to the owner of the land taken the amount of the award may at once enter upon and appropriate said land to the purposes of opening, widening, or altering said street, alley, etc. The benefits reported and as may be revised by the city council shall be assessed as a special tax against the property reported as benefited, and shall be payable at such time as the council may direct; and said tax shall be a lien upon the property until the payment thereof, and the city collector shall proceed to collect the said tax in the same manner as other taxes are collected: Provided, That if deemed necessary the city council may proceed by suit in any court of competent jurisdiction as an additional remedy for the collection of any and all taxes of every nature assessed or levied by the city.

Section 218. Every ordinance imposing any penalty, fine, imprisonment or forfeiture for violation of its provisions shall after the passage thereof be published in every issue of the official journal of the city of San Antonio for ten days, and proof of such publication by the printer or publisher of such newspaper, taken before any officer authorized to administer oaths and filed with the city clerk, shall be prima facie evidence of the legal publication and promulgation of such ordinance in all courts and places. All such ordinances shall take effect and be in force from and after expiration of such publication provided; but no ordinance shall be passed unless the same shall have been read at three separate meetings of the city council, except when otherwise determined by a two-thirds vote of all the aldermen.

Section 222. Whenever in the opinion of the city council any building, fence, shed, awning, or any erection of any kind or any part thereof is liable to fall down and endanger persons or property, they may order the owner, owners, or any one of them or the agent of the same, to take down and remove the same or any part thereof within such time as they may direct, and punish by fine and imprisonment or either the owner, owners, or agents thereof for any neglect, failure, or refusal to comply therewith. The city council shall in addition have the power to remove the same on account of the owner of the property or premises and assess the expense on the land on which it

stood or to which it was attached, and shall by ordinance provide for such assessment, the mode and manner of giving notice, and the means of recovering any such expense.

Section 223. Whenever any person has been required by the recorder or mayor acting as recorder to give bond or bonds for good behavior or any other bond, and complied with such order and been guilty of a violation or infraction of any such bonds, the city in its corporate name may sue in any court having jurisdiction for the recovery of the penalty of such bond.

Section 226. Two-thirds of the aldermen shall be a quorum to transact all business.

Section 229. The policemen of the city shall have power to arrest all offenders against the law of the state or ordinances of the city by day or night, and keep them in the city prison to prevent their escape until they can be brought before the proper officer, unless such offender shall give a good and sufficient bond for his or her appearance for trial.

Section 238. No person shall be an incompetent judge, justice, or juror by reason of his being an inhabitant or freeholder in the city of San Antonio in any action or proceeding in which said city may be a party in interest.

Section 249. The officer of the city of San Antonio hereinafter named shall receive from the city the following compensation and no more: First—The mayor shall receive the sum of thirty-six hundred dollars (\$3600) per annum.

Sec. 2. That the following sections be added to the charter of the city of San Antonio:

Section 255. That sections 36, 53, 58, 111, 116, 128, 129, 133, 137, 232, 241, 243, 244, be and the same are hereby repealed.

Section 256. That the act incorporating the city of San Antonio, approved August 13, 1870, and all amendments thereof now in force, as also this act, shall be deemed public acts and may be read in evidence without proof, and judicial notice shall be taken thereof in all courts and places.

Sec. 3. The fact that it is important to the interests of the general public of said city that the changes in the charter of said city made by this act go into effect immediately creates an emergency and an imperative public necessity which requires the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 82 ayes, no nays; and passed the senate by a four-fifths vote.]

Approved, April 3, 1889.

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SOCORRO, YSLETA, AND SAN ELIZARIO—ACT QUIETING LAND  
TITLES IN.

Sec. 1. Validates deeds made by said towns.

2. Emergency clause.

CHAP. 16.—[H. B. No. 305.] An Act to quiet land titles in the towns of Socorro, Ysleta and San Elizario.

Whereas the state of Texas has granted to each of the towns of Socorro, Ysleta, and San Elizario, of the county of El Paso, several leagues of land, and these lands have been conveyed by said towns to the inhabitants for the most part, and the deeds are generally informal, which much retards the settlement of said lands and depreciates the value thereof: Now, therefore,

Section 1. Be it enacted by the Legislature of the State of Texas: That all

genuine deeds made by the towns of Socorro, Ysleta and San Elizario to lands lying in their respective corporate limits, whether the same be in form or attended with the formalities prescribed by the charters are hereby declared valid and operative as fully as if all the forms and formalities required had been complied with, saving the rights of any third parties.

Sec. 2. The fact set forth in the preamble of this bill creates an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and creates an emergency that this act take effect from its passage.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 72 yeas, no nay; and passed the senate by a vote of 22 yeas, no nays.]

Approved, April 2, 1889.

### WACO—ACT INCORPORATING CITY OF.

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| Sec.   | Sec.  |
| 1. Defines boundaries of city of Waco.               | 25. Taxes for payment of indebtedness.  |
| 2. Incorporating clause.                             | 29. Manner and time of assessing and collecting taxes, and board of equalization. |
| 3. For the division of the city into wards.          | 30. Tax sale.   |
| 4. Municipal government.                             | 31. Fire department.  |
| 5. Stated meetings of city council, etc.             | 32. Sanitary department.  |
| 6. Manner of electing officers.                      | 33. Removal of dangerous buildings.   |
| 7. Time of holding elections, and returns.           | 34. Writs of mayor, etc.  |
| 8. Who are qualified electors.                       | 35. Official publication.   |
| 9. Oath, power, and duties of managers of elections. | 36. Style of ordinances—When published admissible in evidence.                    |
| 10. Proceedings in case of tie vote.                 | 37. Fines, forfeitures, etc.  |
| 11. Eligibility of mayor and aldermen.               | 38. Eligibility, resignation, and removal of officers.                            |
| 12. Special election to fill vacancies.              | 39. Members of council ineligible to other office.                                |
| 13. City council composed of mayor and aldermen.     | 40. To enforce attendance of members of council, etc.                             |
| 14. Official oath.                                   | 41. To prescribe duties of officers.  |
| 15. Duties of mayor.                                 | 42. Salary of officers.   |
| 16. Duties and powers of marshal.                    | 43. Exemption from cost bond in suit.   |
| 17. Duties of secretary.                             | 44. Cemetery lots exempt from taxes and forced sale.                              |
| 18. Duties of treasurer.                             | 45. Rates of interest.  |
| 19. Duties of assessor.                              | 46. Ordinances, etc., now in force.   |
| 20. Powers of city council over officers.            | 47. Liability for present and past indebtedness.                                  |
| 21. General powers.                                  | 48. City constituted a school district.   |
| 22. Taking private property for public use.          | 49. Appointment of officers.  |
| 23. Ad valorem taxes.                                | 50. Emergency clause, to take effect.   |
| 24. Poll tax.  |   |
| 25. Occupation tax.                                  |   |
| 26. To provide for assessing taxes, etc.             |   |
| 27. Defines real and personal estate.                |   |

CHAP. 17.—[H. B. No. 368.] An Act to incorporate the city of Waco and to define its boundaries and powers.

Section 1. Be it enacted by the Legislature of the State of Texas: That all that district of country contained within the following limits be and the same is hereby created into a city to be known and styled as the city of Waco, to wit: In McLennan County; beginning at the intersection of the south bank of Waco Creek with the west bank of the Brazos River; thence up said Waco Creek with its south bank to a point one hundred and sixty-five feet north forty-five degrees east from the east line of River Street extended; thence south forty-five degrees east to a point south line of the S. A. Owen's tract of land now owned by James I. Moore and the north line of the Mary A. Blocker tract; thence south forty-five degrees west with the said Blocker north line to a point one hundred and sixty-five feet north forty-five degrees east from the east line of Second Street extended; thence south forty-five degrees east to a point north forty-five degrees east from the southeast corner of the Oakwood Cemetery tract; thence south forty-five degrees west to a point fifty feet south forty-five degrees west from southwest corner of said Oakwood Cemetery tract; thence north forty-five degrees west along the west line of a reservation made by Mary A. Blocker in her deed to the Mechanical, Agricultural, and Industrial Association of 1874—said deed recorded in book T, page 574, deed records of McLennan County—to the south line of R. S. Blount relocation survey in south line of Bagby's addition which is also the

north line of J. M. Thompson; thence along the south line of R. S. Blount survey south forty-five degrees west to a point in the west line of the old city limits; thence north forty-five degrees west to a point one hundred and sixty-five feet south forty-five degrees east from the south line of Speight Street; thence south forty-five degrees west one hundred and sixty-five feet south forty-five degrees east from south line of Speight Street to a point one hundred and sixty five feet south forty-five degrees west from west line of Twenty-second Street extended as shown in the Linkenhoger addition; thence north forty-five degrees west one hundred and sixty-five feet south forty-five degrees west from said west line of Twenty-second Street to a point in south line of W. M. Erath tract; thence north sixteen degrees thirty minutes west to south line of the driving park tract, continuing same course five hundred feet beyond the said driving park south line to stake for northwest corner of this; thence north sixty degrees east to a point in center of Wilson or Lindsey Hollow Branch; thence down said branch to Brazos River; thence north sixty degrees east across said Brazos River to its east bank; thence down said river on its east bank one thousand feet to stake for corner; thence north eighty-seven degrees thirty minutes east to a point in the east line of the Hood six hundred and forty acre tract; thence south twenty-eight degrees east with the said east line of the Hood six hundred and forty acre tract to the south line of the right of way of the Missouri Pacific Railroad; thence south forty-five degrees west with said south line of the Missouri Pacific Railroad to east bank of the Brazos River; thence down said Brazos River on its east bank to a point opposite the beginning; thence across said river to the place of beginning.

#### INCORPORATING CLAUSE.

Sec. 2. That the inhabitants of the city of Waco as the same extends and is laid out above, be and they and their successors are hereby constituted a corporation and body politic in fact and in law by the name and style of the "City of Waco;" and by the same name shall have succession, shall sue and be sued, implead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatsoever; may purchase, receive, and hold property real and personal within said city, and may sell, lease, or dispose of the same for the benefit of the city, and may purchase, receive, and hold property real and personal beyond the limits of the city to be used for the burial of the dead of the city, also for the erection of water works to supply the city with water, and also the establishment of a hospital for the reception of persons infected with contagious and other diseases, and any other real property outside of said city necessary for the purposes of said corporation, and may sell, lease, or dispose of such property for the benefit of the city and may do all other acts as natural persons. They shall have and use one common seal and may break, change, alter, and make a new seal at pleasure.

#### CITY DIVIDED INTO WARDS.

Sec. 3. That the city of Waco shall be divided into not less than five nor more than ten wards in the discretion of the council, and may be by the council changed from time to time as in their judgment the interest of said city may demand, having regard to the number of male inhabitants in fixing said boundaries so that each ward shall contain as near as may be the same number of male inhabitants. Until changed by the council, the number and boundaries of the wards in said city shall remain as they are upon the passage of this act.

**MUNICIPAL GOVERNMENT.**

Sec. 4. The municipal government of the city shall consist of a city council composed of the mayor and two aldermen from each ward, a majority of whom shall constitute a quorum for the transaction of business, except at called meetings for the imposition of taxes, when two-thirds of a full board shall be required, unless herein otherwise specified. The other officers of the corporation shall be a treasurer, an assessor and collector, a secretary, a city attorney, a marshal and city engineer, and such other officers and agents as the city council may from time to time direct: Provided, That the office of treasurer, assessor and collector, city attorney, and city engineer may be dispensed with by an ordinance of the city council, and the powers and duties herein prescribed for such officers may be conferred by said council upon other officers. The above named officers shall be elected by the qualified electors of said city as hereinafter provided for, and shall hold their offices for two years and until the election and qualification of their successors: Provided also, That at the first election for aldermen in any new ward defined by the city council there shall be two aldermen elected. The one receiving the highest number of votes shall hold for two years and the one receiving the next highest number of votes cast shall hold for one year, and thereafter one alderman shall be elected at each annual election for two years, as in the wards now existing in said city. And at each annual election hereafter there shall be elected one alderman from each ward in said city, as at present, who shall hold for two years.

**STATED MEETINGS, ETC.**

Sec. 5. There shall be stated sessions of the city council and they shall be held at such time and places as shall be prescribed by ordinance or resolution. Upon the passage of all ordinances appropriating money, or ordinances imposing taxes increasing, lessening, or abolishing licenses, the yeas and nays shall be entered upon the journal. All ordinances shall be read in council on three several days, unless two-thirds of the members elected of the board shall dispense therewith. A majority of the members of the city council shall be necessary to pass an ordinance appropriating for any purpose the sum of five hundred dollars or upwards or any ordinance in anywise diminishing or increasing the city revenue.

**MANNER OF ELECTING OFFICERS.**

Sec. 6. An election shall be held in each of the wards of said city on the first Tuesday in April annually at such place or places as the city council may direct, and of which thirty days previous notice shall be given by publication in one or more newspapers of said city. Said election shall be ordered by the city council, and in case of their failure to order the same the mayor of the city may make such order. For the purpose of holding said election and others ordered, the city council shall appoint annually in May or earlier in each ward some competent and suitable person who shall be the presiding officer of all elections held in his ward. The presiding officer of each ward shall appoint two judges and two clerks who together with the presiding officer shall be managers of the election. The presiding officers and judges must be qualified voters in the city. The city council shall provide for their compensation and by ordinance regulate and define their powers and duties. The mayor whenever an election is ordered shall give the required notice

and issue to the presiding officers a writ of election, and every published notice of election shall state the officer or officers to be elected, the place where the election will be held, and the name of the presiding officers thereat. In case the officer so appointed is unable, fails, refuses, or neglects to act, the mayor shall make another appointment, and in case no appointed presiding officer appears to open the polls the qualified electors may appoint such officer, who shall perform the same duties and have like power and authority to act as the first appointee; but in such case the managers in their returns or otherwise shall certify that the presiding officer failed to attend or neglected to act and that the person acting as such was duly chosen by the electors present.

#### TIME OF HOLDING ELECTIONS, AND RETURNS.

Sec. 7. At all elections the ballots of each ward shall be taken separately, the polls being open in each ward for one day only from eight o'clock a. m. until six o'clock p. m. with a privilege of a recess of one hour from twelve till one o'clock; should the polls not be open for the reception of votes promptly by eight o'clock a. m. the time thus lost shall be extended beyond the hour of six p. m. so as to secure the full period of nine hours for voting purposes. On closing the polls the managers of elections shall immediately proceed to count and cast up the votes for each candidate and certify and sign the returns in duplicate, one of which shall be sealed up and retained by the presiding officer for future use as a reference in case of contested election; the other copy shall be sealed up with the name of the presiding officer written across the seal, and by the presiding officer, or in his absence or inability by one of the judges or clerks, delivered in open session to the city council on the next day or as soon thereafter as practicable. The officer so delivering the same shall make oath before the mayor or one of the aldermen that the returns by him delivered have not been altered or opened since being signed and sealed as aforesaid. As received the city council shall immediately open the returns from each ward, casting up the votes of the wards for mayor, city attorney, tax assessor and collector, treasurer, and city marshal, entering the same in tabular form on the journals of the council. The person thus receiving the highest number of votes for mayor, city attorney, tax assessor and collector, treasurer, city marshal, city secretary, city engineer, and all other elective officers, shall be declared elected; and in like manner the votes for aldermen in each ward shall be entered on the journals, and the person receiving the highest number of votes for alderman in the ward in which he is a candidate shall be declared elected alderman. The newly elected officers may enter upon their duties on the fifth day thereafter, Sundays excepted: Provided, That any officer may qualify at any time within thirty days; otherwise the office shall be deemed vacant and a new election held to fill the same. It shall be the duty of the city secretary to notify all persons elected or appointed to office of their election or appointment; and the city council elect shall meet at the usual place of meeting on the fifth day, Sundays excepted, after their election or as soon thereafter as possible and be installed.

#### WHO ARE QUALIFIED ELECTORS.

Sec. 8. Every person not disqualified by law who shall have attained the age of twenty-one years and is entitled to vote for members of the legislature of this state, and shall have resided within the corporate limits of said city for six months next preceding the election, shall be entitled to vote for officers of said city.



**OATH, POWER, AND DUTIES OF MANAGERS OF ELECTIONS.**

Sec. 9. The managers of elections shall be sworn well and truly to conduct the election without partiality or prejudice and agreeably to law and according to the best of their skill and understanding, which oath shall be administered by the mayor or any justice of the peace. The presiding officer and judges thus qualified shall have power to administer oaths necessary to the performance of their official duties. When any person offering a vote shall be objected to by any one qualified to vote at such election the managers shall examine him on oath touching the points objected to, and if he fail in establishing his qualifications to their satisfaction his vote shall be rejected.

**PROCEEDINGS IN CASE OF A TIE VOTE.**

Sec. 10. Whenever in any election any two or more candidates for the same office shall receive the same number of votes being the highest number of votes cast for said office, the city council shall order a new election for such office, first giving at least five days notice thereof. In the event of a failure on the part of the city council to examine the election returns and declare the result, the mayor shall discharge that duty.

**ELIGIBILITY OF MAYOR AND ALDERMEN.**

Sec. 11. No person shall be eligible to the office of mayor unless he possesses the qualifications of an elector and shall have resided twelve months next preceding the election within the limits of the city, and no person shall be eligible to the office of alderman unless in addition to the above qualifications he be a resident of the ward from which he may be elected at the time of the election: Provided, That if any alderman shall remove from the ward in which he was elected his office shall be deemed vacant and a new election ordered to fill the same.

**SPECIAL ELECTION TO FILL VACANCY.**

Sec. 12. In case of a vacancy in the office of mayor or alderman by refusal to accept or failure to qualify, or by death, resignation, or otherwise, the city council shall order an election to fill such vacancy, and all special elections shall be conducted as is herein provided for in the annual election: Provided, That in all special elections to fill vacancies ten days notice shall be deemed sufficient. In case of a vacancy in any other office in the city than mayor or alderman by refusal to accept or failure to qualify or by death, resignation, or otherwise, the mayor or acting mayor shall fill such vacancy by appointment, to be confirmed by the city council.

**CITY COUNCIL COMPOSED OF MAYOR, ALDERMEN, ETC.**

Sec. 13. The city council shall be composed of the mayor and aldermen provided for by this act. The mayor shall be president of the council, and in case of a tie on any question he shall give the casting vote. At the first meeting of each new council or as soon thereafter as practicable one of the aldermen shall be elected president pro tem., who shall hold his office for one year. In case of the failure, inability, or refusal of the mayor to act, the president pro tem. shall perform the duties and receive the compensation of the mayor.

## OFFICIAL OATH.

Sec. 14. Every person elected by the voters of said city to fill any office or by the city council shall before entering on the duties of his office take and subscribe the official oath prescribed in the constitution of this state, and the city council may by ordinance require such additional oath as they may deem best calculated to secure faithfulness in the performance of their duties by such officers.

## DUTIES OF MAYOR.

Sec. 15. The mayor of the city shall be the chief executive officer of said corporation and shall be vigilant and active at all times in causing the laws and ordinances for the government of said city to be duly executed and put in force. He shall inspect the conduct of all subordinate officers in the government thereof, and as far as it may be in his power shall cause all negligence, carelessness, and positive violation of duty to be prosecuted and punished. He shall have power whenever in his judgment the good of the city may require it to summon meetings of the city council, and he shall from time to time communicate to that body all such information and recommend all such measures as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort, ornament, and good government of said city. The mayor shall also be chief judicial magistrate of the city. Whenever the mayor shall deem it necessary in order to enforce the laws of the city or to avert danger or to protect life or property in case of riot or any outbreak or calamity or public disturbance, or when he has reason to fear any serious violation of law or order or any outbreak or any other danger to said city or the inhabitants thereof, he shall summon into service as a special police force all or as many of the citizens as in his judgment and discretion may be necessary and proper, and such summons may be by proclamation or order addressed to the citizens generally or those of any ward of the city or subdivision thereof, or such summons may be by personal notification. Such special police force while in service shall be subject to the orders of the mayor, shall perform such duties as he may require, and shall have the same power while on duty as the regular police force of said city, and any person so summoned and failing to obey or appearing and failing to perform any duty that may be required under this act or any ordinance of said city in conformity thereto, shall be fined in a sum not exceeding one hundred dollars. The mayor shall have like power with a justice of the peace to administer oaths of office. He shall possess and execute in the city in the criminal cases all the powers and duties of a justice of the peace. He shall have authority in case of a riot or any unlawful assemblage to order and enforce the closing of any theater, ball room, grog shop, tippling house, bar room, or other place of resort or public room or building, and may order the arrest of any person violating in his presence the laws of the state or any ordinance of the city, and he shall perform such other duties and possess and exercise such other power and authority as may be prescribed and conferred by the city council. All ordinances and resolutions adopted by the council shall before they take effect be placed in the office of the city secretary, and if the mayor approve thereof he shall sign the same, and such as he shall not sign he shall return to the city council with his objections thereto. Upon the return of any ordinance or resolution by the mayor the vote by which the same was passed shall be reconsidered, and if after such reconsideration two-thirds of the whole number of aldermen agree to pass the same and enter their votes on

the journal of their proceedings it shall be in force, and if the mayor shall neglect to approve or object to any proceedings for a longer period than three days after the same shall be placed in the secretary's office as aforesaid the same shall go into effect. The mayor shall hold a court within said city by the name of the police court of the city of Waco, which said court shall have jurisdiction and cognizance of all misdemeanors, breach of the peace, infractions of the ordinances, and all other causes arising under the laws of said city, and shall be deemed always open for the trial of said causes. The said court shall have full power, authority, and jurisdiction in all cases arising under the ordinances of said corporation and over any breaches and violations thereof and of any and all persons thus offending, and to try and determine all suits, actions, and complaints charging a violation of any ordinance of said city, and may grant new trials on motion in writing showing sufficient cause and duly sworn to; and all prosecutions, trials, and proceedings had in said court under this act shall be governed by the laws and rules regulating trials, prosecutions, and proceedings in justices courts in force at the time. The mayor may require of any person arrested under the provisions of this act a bond for his good behavior and to keep the peace, with two good and sufficient sureties, which bond shall be payable to the city of Waco. He shall have full power and authority to issue subpoenas for witnesses and to compel their attendance by process of attachment. He may punish all contempts by fine and imprisonment or either; may issue subpoenas, attachments, writs of capias, warrants of arrest, search warrants, executions, and all other process known to the law which a justice of the peace of this state may lawfully issue; and all of said writs and process shall be issued, served, and executed under the same form and in the same manner as the like process would be when issued by a justice of the peace, unless herein otherwise provided. He shall also have full power and authority to administer official oaths and all oaths and affirmations in trials before him. He shall be ex officio justice of the peace, and he shall possess and execute in the city in criminal cases all the powers and duties of such officer, and shall have the same authority and like powers with justices of the peace in the prevention and suppression of crime; but he shall in no case entertain jurisdiction of civil suits. The city council may determine what costs if any shall be charged in proceedings in and for all process issued in said court, and shall allow the judge thereof for his services such salary as they deem necessary; and the mayor shall perform such other duties as may be prescribed by any ordinance of said corporation that may properly and lawfully be required of said officer as the judge of said court and are not inconsistent with the laws and constitution of this state: Provided, That all moneys collected from fines of whatever character imposed by him shall be paid into the city treasury for the use of the city. Every person brought before the mayor to be tried for any offense for which the penalty may be fine or imprisonment or both shall be entitled if he shall demand it to be tried by a jury of six legal voters of the city, who shall be summoned, impanelled, and qualified as jurors in justices courts under the laws of the state. The mayor of the city of Waco is authorized to celebrate the rites of matrimony between all persons legally authorized to marry: Provided, That the city council shall have the power by ordinance to create the office of recorder whenever said ordinance is passed by a vote of two-thirds of the aldermen elected; and upon the passage of said ordinance said council shall elect a recorder who shall be clothed with all the authority, perform the like duties, and receive the same compensation as is provided by this act and conferred upon the mayor as judge of the police court created by this act. Said re-

corder shall hold his office until the next annual election, at which election a recorder shall be elected by the qualified voters of the city and shall hold his office for two years and until his successor is elected and qualified: Provided, That the city council may at any time they see fit repeal said ordinance creating the office of recorder; in which event the duties of said office with its powers and compensation shall devolve upon the mayor as herein provided.

#### DUTIES AND POWERS OF THE MARSHAL.

Sec. 16. The marshal of the city shall be ex officio chief of police and may appoint one or more deputies, and shall either in person or by deputy attend upon the police court while said court is in session, and shall promptly and faithfully execute all writs and process issued from said court. He shall have like power with the sheriff of the county to execute the writ of search warrant. He shall be active in quelling riots, disorders, and disturbances of the peace within the limits of said city, and shall take into custody all persons so offending against the peace of the city, and shall have authority to take suitable and sufficient bail for the appearance before the mayor's court of any person charged with an offense against the ordinances or laws of the city. It shall be his duty to arrest all violators of the public peace and all who obstruct or interfere with him in the execution of the duties of his office or who shall be guilty of any disorderly conduct or disturbance whatever; and in the prevention and suppression of crime and arrest of offenders he shall have, possess, and execute like power, authority, and jurisdiction as the sheriff of a county under the laws of the state. He shall receive a salary to be fixed by the city council. The marshal shall give such bond for the faithful performance of his duties as the city council may require, and he shall perform such other duties and possess such other powers, rights, and authority as the city council may by ordinance require and confer not inconsistent with the constitution and laws of this state.

#### DUTIES OF THE SECRETARY.

Sec. 17. It shall be the duty of the city secretary to attend every meeting of the city council and keep accurate minutes of the proceedings thereof in a book to be provided for that purpose, and to engross and enroll all laws, resolutions, and ordinances of the city council; to keep its corporate seal; to take charge of and preserve and keep in order all the books, records, papers, documents, and files of said council, countersign all commissions issued to the city officers and licenses issued by the mayor, and to keep a record register thereof, and to make out all notices required under any regulation or ordinance of the city. He shall draw all warrants on the treasurer and countersign the same and keep an accurate account thereof in a book provided for the purpose. He shall be the general accountant of the corporation, and shall keep in books regular accounts of the receipts and disbursements for the city, and separately under proper heads each cause of receipt and disbursement, and also account with each person including officers who have money transactions with the city, crediting amounts allowed by proper authority and specifying the particular transaction to which such entries apply. He shall also keep a register of bonds and bills issued by the city and all evidence of debt due and payable to it, noting the particulars thereof and all facts connected therewith as they may occur. He shall carefully keep all contracts made by the city council, and he shall do and perform all such other duties as may be required of him by law, ordinance, resolution, or order of the city

council. He shall receive for his services an annual salary payable at stated periods as may be allowed by the city council. He shall also be ex officio clerk of the police court, and as such shall have power to administer oaths, take affidavits, issue warrants, subpoenas, and other process, and perform such other duties in said office as may be required of him by ordinance.

#### DUTIES OF TREASURER.

Sec. 18. The treasurer of the city shall give bond in favor of the city in such amount and in such form as may be required by the city council and with sufficient security to be approved by the city council, conditioned for the faithful discharge of his duties. He shall receive and securely keep all moneys belonging to the city and make all payments for the same upon the order of the mayor attested by the secretary under the seal of the corporation: Provided, That no order shall be paid unless the said order shall show upon its face that the city council has directed its issuance and for what purpose. He shall render a full and correct statement of his receipts and payments to the city council at their first regular meeting in every quarter and whensoever at other times he may be required by them so to do. At the end of every half year he shall cause to be published at the expense of the city a statement showing the amount of receipts and expenditures for the six months next preceding and the general condition of the treasury; and he shall do and perform such other acts and duties as the city council may require, and for his services he shall receive such compensation as shall be fixed by the city council.

#### DUTIES OF ASSESSOR AND COLLECTOR.

Sec. 19. The assessor and collector shall make up the assessment of all property taxed by the city and make duplicate rolls thereof, and on completion of the rolls shall deliver one of them to the city secretary. He shall collect all taxes due the city, and in the event of non-payment of any taxes shall proceed to sell property to raise the amount of taxes so due, and shall in the performance of his duties observe the provisions of this act and the ordinances of the city relating thereto. He shall give bond in such amount and in such form as the city council may prescribe, with good and sufficient sureties, and the city council may require a new bond whenever in their opinion the existing bond is insufficient, and whenever such bond is required he shall perform no official act until said bond shall be given and approved. He shall at the expiration of every week pay to the treasurer all money by him collected and shall report to the city council at the first meeting in every month all money so collected and paid, and he shall perform all such other duties and in such manner and according to such rules and regulations as the city council may prescribe. The assessor and collector is authorized to require the owners of all property subject to taxation to render a correct account of the same under oath to be administered by him. The assessor and collector shall receive such fees and commissions for his services as may be allowed by the ordinances of the city.

#### POWERS OF CITY COUNCIL OVER OFFICERS.

Sec. 20. The city council shall have power from time to time to require other and further duties of all officers whose duties are herein prescribed, and to define and describe the powers and duties of all officers appointed or elected to any office under this act whose duties are not herein specially mentioned

and fix their compensation. They may also require bonds to be given to the said corporation by all officers for the faithful performance of their duties. The city council shall provide for filling vacancies in all offices not herein provided for, and in all cases of vacancy the same shall be filled only for the unexpired term.

#### GENERAL POWERS.

Sec. 21. That the city council shall have exclusive control and power over the streets, alleys, and public grounds and highways of the city, and to abate and to remove encroachments or obstruction thereto; to open, alter, widen, extend, establish, regulate, grade, clean, pave, or otherwise improve the same; to put drains and sewers therein; to prevent the incumbering thereof in any manner, and to protect the same from encroachment or injury; to regulate, establish, and alter the grade of all premises, and to require and compel the filling up and raising of the same; to establish, erect, construct, regulate, and keep in repair all bridges, culverts, sewers, sidewalks, and crossings, and to regulate the use and construction of the same and material used in such construction or repairs, and to abate and punish any obstructions or encroachments thereon, and the cost of the construction of all such sidewalks and grading done thereon or the filling up and raising the grade of any premises shall be defrayed by the owners of the lot or a part of lot or block on which such sidewalk may front or such grading or filling is done, and the cost of same, together with the cost of the collection thereof, shall be a good and valid charge against the owners of such lot or lots or block and a lien and encumbrance upon the lot or part of the lot, block, or premises upon which or in front of which said improvements may be constructed, which amount shall be assessed as a tax against the property and the owners thereof and may be collected and the lien foreclosed in any court having jurisdiction: Provided, That all improvements of sidewalks, fillings, and grading shall be advertised and let out by contract to the lowest and best bidder. The city council shall be invested with full power and authority upon the consent of a majority of the resident owners on both sides of any street, avenue, or highway, or such portion thereof as may be proposed to be improved to grade, pave, repair, or otherwise improve any avenue, street, alley, or other highway or any portion thereof within the limits of said city whenever by a vote of two-thirds of the aldermen elected they may deem such improvement for the public interest, two-thirds of the cost of which grading, paving, or repairing shall be done at the cost and charge of the owners of the lot or lots or block fronting upon the alley, avenue, street, or other highway so improved; and to make provision for the payment of the two-thirds of the cost and expenses of such improvements and the cost of collecting the same the city council shall have full power to assess, levy, and collect a tax upon the lot or lots or block or blocks fronting on such alley, avenue, street, or other highway, which tax when so levied and assessed shall be a valid charge against the owner or owners of such lot or lots or block or blocks as well as a lien and encumbrance upon the property itself, which amount may be collected and the said lien enforced in any court of competent jurisdiction: Provided, That the city alone shall pay for the improving of the intersections of the streets from block to block across the streets either way: And provided further, That no one shall be made to pay for any improvement done on any street that may be paved or otherwise improved as hereinbefore provided save for the proportional part of the street that may be in front of his property; and in no event shall such owner be compelled to pay for the improvement of such

street more than fifteen per cent of the assessed value of his property fronting thereon; and that any railroad or street railway company shall be liable for any grading, paving, or other improvement made upon any portion of said streets used or occupied by such companies. To secure the safety and convenience of passing in the streets, sidewalks, and other places in the city; to fix the squaring and prevent encroachments and obstruction on the streets, sidewalks, squares, ways, and public places; to establish an active system of inspection over premises for sanitary purposes; to prevent cattle, horses, swine, goats, and other animals from running at large in the streets; to establish and maintain a city police, prescribe the duties of policemen, and regulate their conduct; to provide for lighting the streets, and for this purpose may establish gas works for the manufacture of gas for the use of the city and the inhabitants thereof at cost price; to determine in what part of the city slaughter houses, bone boilers, soap makers, or other establishments for any business which is or may be injurious to the value of adjacent property or unwholesome or disagreeable to the occupant of adjacent property shall not be allowed to be erected; to determine in what part of the city wooden buildings shall not be erected; within the limits prescribed no person shall be permitted to erect such buildings; to prevent gunpowder or other explosive material, kerosene oil, or other inflammable oils being stored within the city limits in such quantities as to endanger the safety of adjacent property; to provide means for the protection against and extinguishment of conflagrations and for the regulation, maintenance, and support of a fire department; to define what shall be nuisances in said city, and to abate them by summary proceedings; to provide a work house for vagabonds and disorderly persons who are unable to pay fines, and to make regulations concerning the same; to regulate weights and measures in the city, affix penalties for violation, fix standard, etc.; also that the city council may provide, own, and maintain water works for the use of the city and its inhabitants; to provide and keep a city prison; to make all needful and proper regulations concerning bakers, butchers, keepers of taverns, grog shops, and other public houses, draymen, horse drivers, water carriers, omnibus drivers, hack drivers, and drivers of baggage wagons, and especially to preserve order and prevent noise and confusion in and about the several depots on arrival and departure of railway trains; to prevent extortion by carriers of passengers or baggage, hacks, drays, and all public conveyances by establishing maximum rates of charges; to direct and control the laying and construction of railroad tracks, turnouts, and switches, and to require that they be constructed and laid so as to interfere as little as possible with the ordinary travel and use of streets; to require railroad companies to keep the streets through which they run in repair and to light the same whenever deemed necessary, and to construct and keep in repair bridges and crossings at the intersections of streets and avenues and over all ditches, sewers, and culverts on the line of the railway; to regulate the speed of engines and locomotives within said city; to control and regulate everything concerning street railways, and to generally make and establish all rules, regulations, by laws, and ordinances which may contribute to and promote the better administration of the affairs of said city, as well as for the maintenance of the peace, tranquility, and safety of said city, and for the protection of the persons and property of its inhabitants. The city council shall have the management and control of the finances and other property, real, personal, and mixed, belonging to the corporation. The city council shall have power to appropriate money and provide for the payment of debts and expenses of the city; to provide by ordinance special funds for special purposes and to make the same disbursable only for the

purpose for which the fund was created; and any officer of the city misappropriating said special fund shall be deemed guilty of malfeasance in office, and shall on complaint of any one interested in said fund misappropriated be removed from office and be incapable thereafter to hold any office in said city; to make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and to enforce them within the city and ten miles thereof; to provide or cause to be provided the city with water; to make, regulate, and establish public wells, pumps, and cisterns, hydrants, and reservoirs, in the streets or elsewhere within said city or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water; to provide for the inclosing, regulating, and improving all public grounds and cemeteries belonging to the city, and to direct and regulate the planting and preserving of ornaments and shade trees in the streets, sidewalks, or public grounds; to erect or establish one or more hospitals and control and regulate the same, and to prohibit or to permit and regulate the establishment of private hospitals; to regulate the carrying of weapons and to prevent the carrying of the same concealed; to prevent the encumbering of the streets, alleys, sidewalks, and public grounds with carriages, wagons, carts, hacks, buggies, or any vehicle whatsoever, boxes, lumber, timber, firewood, posts, awnings, signs, or any other substance or material whatever or in any other manner whatever; to compel all persons to keep all weeds, filth, and any kind of rubbish from the sidewalks, streets, and gutters in front of the premises occupied by him, to require and compel the owners of property to fill up, grade, gravel, and otherwise improve the sidewalks in front of and adjoining their property; also to inspect the construction of buildings, and to cause unsafe buildings to be made safe or to be removed, and to prohibit the use of material deemed unsafe; to authorize the proper officer of the city to grant and issue licenses, and to direct the manner of issuing and registering thereof and the fees and charges to be paid therefor; no licenses shall be issued for a longer period than one year and shall not be assignable except by the permission of the city council; to restrain, regulate, and prohibit the selling, indirectly to evade a tax or penalty, of intoxicating or malt liquors by any person within the city, except by persons duly licensed; to forbid or punish the selling of any intoxicating or malt liquors to any minor, apprentice, or habitual drunkard; to close drinking houses, saloons, bar rooms, beer saloons, and all places or establishments where intoxicating or fermented liquors are sold on Sundays and prescribe hours for closing them, and also all places of amusement and business. The city council shall have full power by ordinance to prevent the sale of any intoxicating liquors in any house or other place where theatrical or dramatic representations are given, and also to prevent intoxicating liquors of any description from being brought into any house or place where such representations are given under any pretext whatsoever. To make such rules and regulations in relation to butchers as they may deem necessary and proper; to regulate the inspection of beef, pork, flour, meal, salt, and other provisions, whisky and other liquors to be sold in barrels, hogsheds, and other vessels and packages; to appoint weighers, gaugers, and inspectors, and prescribe their duties and regulate their fees; to regulate the weight and quality of the bread to be sold or used within the city; to create, establish, and regulate the police of the city; to appoint watchmen and policemen and prescribe their duties and powers and compensations; to suppress and prevent any riot, affray, noisy disturbance, or disorderly assembly in any public or private place within the city; to prevent, prohibit, and suppress horse racing, immoderate riding or driving in the



streets; to prohibit and punish the abuse of animals; compel persons to fasten their horses or other animals attached to vehicles or otherwise while standing or remaining in the streets; to establish and regulate public pounds, and to regulate, restrain, and prohibit the running at large of horses, mules, cattle, sheep, swine, goats, and to authorize the distraining, impounding, and sale of the same for the cost of the proceedings and the penalty incurred, and to order their destruction when they can not be sold, and to impose penalties on the owners thereof for a violation of any ordinance; to tax, regulate, or restrain and prohibit the running at large of dogs, and to authorize their destruction when at large contrary to the ordinances, and to impose penalties on the owners or keepers thereof for violation of such ordinances; to prohibit and restrain the firing of fire crackers, guns, and pistols, the use of velocipedes, or the use of any pyrotechnics, or any other amusement or practice tending to annoy persons passing in the streets or on the sidewalks or to frighten horses or teams; to restrain and prohibit the ringing of bells, blowing of horns and bugles, crying of goods, and all other noises, practices, and performances tending to the collection of persons on the streets and sidewalks by auctioneers and others for the purpose of business, amusement, or otherwise; to abate nuisances which may injure or affect the public health or comfort in any manner they may deem expedient; to do all acts and make all regulations which may be necessary or expedient for the promotion of health or suppression of disease. The city council of said city and the commissioners court of McLennan County may co-operate in making such improvements as may by such council and court be deemed necessary to improve the public health and to promote efficient sanitary regulations and arrange for the construction and payment for such improvements. To compel the owner or occupant of any grocery, soap, tallow, or chandler establishment, or blacksmith shop, tannery, stable, slaughter house, distillery, brewery, sewers, privy, hide houses, or other unwholesome or nauseous house or place, to cleanse, remove, or abate the same, as may be necessary for the health, comfort, and convenience of the inhabitants; to direct the location and regulate the management and construction of, restrain, abate, or prohibit within the city limits, slaughtering establishments and hide houses or establishments for keeping and curing hides, establishments for making soap, for steaming or rendering lard, tallow, offal, and such other substances as may be rendered, and all other establishments or place where any nauseous, offensive, or unwholesome business may be carried on; to regulate the burial of the dead; to purchase, establish, and regulate the registration of deaths, marriages, and births; to direct the returning and keeping of bills of mortality; to abate and remove nuisances, and to punish the authors thereof by penalties, fine, and imprisonment, and to define and declare what shall be nuisances and authorize and direct the summary abatement thereof; to erect and establish one or more work houses or houses of correction within or without the city limits, make all necessary rules and regulations therefor, and appoint all necessary keepers or assistants. In such workhouses or houses of correction may be confined all vagrants, stragglers, idle, suspicious, and disorderly persons who may be committed by the mayor, and any person who shall fail or refuse to pay the fine, penalty or costs imposed for any misdemeanor or breach of any ordinance of the city may instead of being committed to jail be kept therein subject to labor and confinement. To compel and force all offenders against any ordinance of this city found guilty by the mayor and sentenced to fine and imprisonment to labor on the streets and alleys of said city or on any public work under such regulations as may by ordinance be established; to prevent all trespasses, breaches of the peace and

good order, assault and batteries, fighting, quarreling, using abusive, obscene, profane, and insulting language, misdemeanors, and all disorderly conduct, and punish all persons thus offending; to prevent and punish the keeping of houses wherein indecent, loud, or immodest dramatic theatrical representations are given, and to adopt summary measures for the removal or suppression of all such establishments; to require the owners of private drains, sinks, and privies to fill up, cleanse, drain, alter, relay, repair, fix, and improve the same, as may be ordered by any resolution or ordinance of said city; and in the event of any failure, neglect, or refusal to comply with any such order, the party so failing shall be liable to fine and imprisonment. In the event of there being no person in the city on whom such order can be served, the city may have such work done and such improvement made on account of the owner thereof, and all costs, charges, and expenses shall be a lien on the property on the filing of a memorandum by the mayor under the seal of the corporation thereof and recording the same with the clerk of the county court, and the city may enforce said lien and institute suit in the corporate name and obtain judgment against said party for the amount so due, as aforesaid in any court having jurisdiction. To prevent any person from carrying, depositing, or having within the limits of said city any dead carcass or any other offensive or unwholesome substance or matter, and to require the removal or destruction by any person who shall have placed or caused to be placed upon or near his premises or elsewhere of any substance or matter, filth, or any putrid or unsound beef, pork, or fish, hides, or skins of any kind, and on his default to authorize the removal or destruction thereof by some officer of the city and require the owner of any dead animal to remove the same to such place as may be designated; to prevent, regulate, and control the driving of cattle, horses, and other animals into or through the city. The city council shall have power to pass, publish, amend, or repeal all ordinances, rules, and police regulations not contrary to the constitution of this state for the good government, peace, and order of the city and the trade and commerce thereof that may be necessary or proper to carry into effect the powers vested by this act in the corporation, the city government, or in any department or office thereof: to enforce the observance of all such rules, ordinances, and police regulations, and to punish violations thereof by fines, penalties, and imprisonments in the prison, work house, or house of correction, or to work on the streets or other public works or either in the discretion of the court before whom conviction may be had; but no fine or penalty shall exceed one hundred dollars nor the imprisonment more than fifteen days for any offense unless a larger fine and longer period of imprisonment is herein allowed; and for any fine, penalty, and costs imposed by the mayor in the trial of any cause or complaint before him execution may issue to collect such fine and costs, to be levied and executed in the same manner that executions are from the district court. The same shall be issued by the mayor to the marshal, who in levying on property and selling shall have like power and authority as the sheriff of the county in executions issued from the district court, and the laws of the state so far as applicable shall apply and be in full force and effect as to the executions issued from the mayor's court; and any person upon whom any fine or penalty is imposed may be committed until the payment of the same with costs, and in default thereof may be imprisoned in the city prison or work house or house of correction, or may be required to work on the streets or other public works of the city for such time and in such manner as may be provided by ordinance: Provided, Such imprisonment shall not exceed fifteen days unless a longer period be herein allowed. To pass all necessary ordinances to provide

for funding the whole or any part of the existing debt of the city or any future debt by cancelling the evidences thereof and issuing to the holders or creditors notes, bonds, or treasury warrants with or without coupons bearing interest at any annual interest not to exceed eight per cent. To appropriate so much of the revenues of the city emanating from whatever source for the purpose of retiring and discharging the accrued indebtedness of the city and for the purpose of improving the public market and streets, alleys, and avenues, or for the purpose of opening, establishing, and improving and maintaining streets, alleys, and avenues, or for the purpose of opening public parks, erecting and conducting city hospitals, city halls, water works, and gas works or other works for properly lighting said city, as they may from time to time deem expedient; and in furtherance of these objects they shall have power to borrow money upon the credit of the city and issue coupon bonds of the city therefor in such sum or sums as they may deem expedient, to bear interest not exceeding eight per cent per annum, payable semi-annually or annually at such place as may be fixed by the city ordinance: Provided, That the aggregate amount of bonds issued by the city council shall at no time exceed six per cent of the value of the property within said city subject to ad valorem tax: And provided further, That no money arising from the sale of bonds shall ever be applied to the purchase of streets and alleys, either directly or indirectly, nor shall any money ever be borrowed for that purpose. All bonds shall specify for what purpose they are issued and shall not be invalid if sold for less than their par value; and when any bonds are issued by the city a fund shall be provided to pay the interest and create a sinking fund to redeem the bonds, which fund shall not be diverted nor drawn upon for any other purpose, and the city treasurer shall honor no draft on said fund except to pay interest upon or redeem the bonds for which it was provided. Said bonds shall be signed by the mayor and countersigned by the secretary and payable at such place and at such times as may be fixed by ordinance of the city council, not more than thirty years. It shall be the duty of the mayor whenever any bond or bonds are issued to forward the same to the comptroller of public accounts of the state, whose duty it shall be to register said bond or bonds in a book kept for that purpose, and to indorse on each bond so registered his certificate of registration, and to give at the request of the mayor his certificate certifying to the amount of bonds so registered in his office up to date; that it shall be the duty of the mayor at the time of forwarding any of said bonds for registration to furnish the comptroller with a statement of the value of all taxable property real and personal in the city; also with a statement of the amount of tax levied for the payment of interest and to create a sinking fund. The city council shall have power to invest said sinking fund in good interest-bearing securities. The city council shall have the right to enact all necessary ordinances to restrain and punish vagrants, mendicants, street beggars, and prostitutes; to restrain, punish, regulate, and control, license, and locate all houses of prostitution or assignation and the keepers and inmates thereof, and to provide a system of inspection of the inmates thereof for the preservation of the public health; to regulate, punish, or control all gambling and keepers of games and gambling houses and those who bet on games and gambling devices, and when there is an ordinance of the city of Waco in force punishing this or any other misdemeanor with as great a penalty as the same is punished by the statute of the state the police court of the city of Waco shall have jurisdiction of such misdemeanors when committed in the corporate limits of the city of Waco.

Sec. 22. Whenever the city council shall deem it necessary to take any

private property for the purpose of opening, widening, or changing any street, alley, or avenue, or for the construction of sewers, water mains, gas mains, or for any other public purpose properly within the cognizance or jurisdiction of said council and consistent with the constitution and laws of this state and within the powers herein granted, such private property may be taken for such purpose by making just compensation to the owner thereof. If the city council and the owner can not agree as to the amount of compensation for such taking, then and in that event the city council shall cause the property to be condemned according to general laws of the state relating to the condemnation of private property for such purpose, and all the provisions of such public laws in so far as the same are applicable shall apply to and govern such proceedings. The city council are also hereby invested with authority to adopt all needful ordinances, rules, and regulations not inconsistent with the constitution of the state for carrying into full effect the power of eminent domain herein granted, and may provide that such ordinances, rules, and regulations shall be cumulative of general laws or complete within themselves: Provided, That when only a part of any person's real estate is to be condemned for public purposes the benefit if any to his remaining property shall be estimated in assessing the damages which may accrue to the owner by reason of the condemnation. And the term "streets" herein shall include also the power of the city to condemn toll bridges, and to open the same for public travel as a part of any street.

#### AD VALOREM TAXES.

Sec. 23. The city council of the city of Waco shall have power by ordinance to annually levy and collect such ad valorem taxes as are authorized by the Constitution of the State of Texas on the assessed value of all real and personal property in said city, not to exceed however for all purposes except the support and maintenance of public free schools in said city two per cent of the taxable property of said city. And in addition thereto, said city council shall have the power by ordinance to annually levy and collect not exceeding one-half of one per cent ad valorem taxes on the assessed value of such taxable property for the support and maintenance of public free schools in said city: Provided, That no such tax shall be levied until an election shall have been held at which none but property tax payers as shown by the last assessment rolls who are qualified voters of said city shall vote and two-thirds of those voting shall vote in favor thereof. The proposition submitted may be for a tax not exceeding one-half of one per cent, or it may be for a specific per cent. One election and no more shall be held in any one calendar year to ascertain whether a school tax shall be levied. If the proposition is carried the school tax shall continue to be annually levied and collected for at least two years thereafter, unless it is discontinued at an election held to determine whether the tax shall be continued or discontinued at the request of fifty property tax payers of said city. When the tax is continued, no election to discontinue it shall be held for two years. When the tax is discontinued, no election to levy a tax shall be held during the same year.

#### POLL TAX.

Sec. 24. The city council shall have power to levy and collect an annual poll tax not to exceed one-half of the amount levied by the state of every male inhabitant of said city over the age of twenty-one years (idiots and lunatics excepted) who is a resident thereof at the time of such annual assessment.

## OCCUPATION TAX.

Sec. 25. The city council shall have power to levy and collect taxes commonly known as licenses upon trades, professions, callings, and other business carried on, and upon carriages, coaches, buggies, drays, carts, wagons, and other vehicles used in said city when the same are for public use; and each and every person and firm engaged in the following trades, professions, callings, and business among others shall be liable to pay such license tax, but this enumeration shall not be construed to deprive the city council of the right and power to levy and collect other license tax and from other persons and firms under the general authority herein granted: Every person and firm engaged in selling goods, wares, and merchandise; every person and firm selling liquor in quantities over a quart; every person or firm keeping a grog shop, tippling house, bar room, or drinking saloon; every person or firm keeping a place where spirituous liquors, wines, cordials, or beer are sold in quantities less than one quart; every person or firm keeping a billiard table, ball alley, nine or ten pin alley, or any similar game; every person or firm keeping a tavern or hotel or boarding house, oyster shop, oyster saloon, or place of any description where eating or refreshments are furnished; every person or firm keeping a livery stable, sale stable, feed or other kind of stable; every person or firm selling goods, wares, and merchandise at public auction; every person or firm pursuing the occupation of hauler or peddler of goods or any articles whatever; every person or firm keeping a brewery, beer shop, or distillery, or fruit stand; every person or firm keeping a storage or warehouse or engaged in compressing cotton, keeping an intelligence office; each and every insurance company shall also be liable to pay said city such license tax, and each and every insurance agent in said city shall likewise be subject to said license tax, and such agent shall be held responsible therefor and for each association, corporation, or company of which he is agent: that each and every firm keeping a lumber yard, wood or coal yard, or any place for sale of the articles aforesaid or building material, shall be subject to said license tax, and all other persons from whom the city council may require said tax under the authority of this act granted: Provided, Nothing herein contained shall in anywise prevent or restrain the city council from collecting the license and each license hereinbefore provided for by this act. Each establishment shall be liable to said license tax, and any person or firm pursuing occupations, business, avocations, or callings subject to said tax shall pay on each, and no license shall extend to more than one establishment or include more than one occupation, avocation, business, or calling. The city council shall have power in addition to collect a license from all persons, corporations, or firms or occupations upon whom or which a license tax is imposed by the state.

## TO PROVIDE FOR ASSESSING, ETC.

Sec. 26. The city council shall have power to provide by ordinance for the assessing and collecting of the taxes aforesaid and to determine when taxes shall be paid by corporations and when by the individual corporators: Provided, No tax shall be levied unless by consent of two-thirds of the aldermen elected. The license tax shall be collected by the assessor and collector and shall be paid to that officer by each and every person and firm owing such license and before engaging in any trade, profession, business, calling, avocation, or occupation subject to said tax; and if any person shall engage

in any business, calling, avocation, or occupation which by an ordinance of the said city is subject to a license tax, without first having obtained said license, he, she, or they shall on conviction before the mayor's court be liable to imprisonment and such fine for each day such violation of said ordinance may continue, and this article shall apply to all persons owing any license and failing to pay the same: Provided, That the city council may collect said license tax by suit in any court having jurisdiction under such rules and regulations as they may provide by ordinance. Said taxes commonly known as license, laid as herein provided, shall not be construed to be a tax on property.

#### DEFINITION OF REAL AND PERSONAL ESTATE.

Sec. 27. The term real estate or property shall be construed to include lots, lands, and all buildings or machinery and structures of every kind erected upon and affixed to the same. The term personal estate or property shall be construed to include all household furniture, moneys, goods, capital, chattels, public stocks, and stocks of corporations, monied or otherwise, and generally all property which is not real.

#### TAXES FOR PAYMENT OF INDEBTEDNESS.

Sec. 28. The city council may also levy, assess, and collect taxes necessary to pay the interest and provide a sinking fund to satisfy any indebtedness heretofore legally made and undertaken, but all such tax shall be assessed and collected at the same time for taxes for current expenses of municipal government, and when levied specify in the act of levying the purpose therefor, and such taxes may be paid in the coupons, bonds, or other indebtedness for the payment of which such tax may have been levied; and no debt shall ever be created by said city unless at the same time provision be made to assess and collect annually a sufficient sum to pay the interest thereon and create a sinking fund of at least two per cent thereon.

#### MANNER AND TIME OF ASSESSING AND COLLECTING TAXES, AND BOARD OF EQUALIZATION.

Sec. 29. The city council shall have full power to provide by ordinance the mode and time of assessment of ad valorem taxes and when the same shall be paid and for the prompt collection thereof, and provide for board of equalization and the powers and duties thereof and all duties of the assessor and collector in assessing and collecting taxes of every description imposed by ordinance under this act.

#### TAX SALE.

Sec. 30. That if any person shall fail, neglect, or refuse to pay the taxes imposed upon him and his property within the time prescribed by the ordinances of said city, the collector shall by virtue of his tax list and assessment roll levy upon so much property liable to taxation belonging to such person whether resident or non-resident as may be sufficient to pay his, her, or their taxes; and if the property levied on be personal property the collector shall give notice of the time and place of the sale, together with a brief description of the property levied on and to be sold, with the amount of taxes, interest, costs, and fees due thereupon, for at least ten days previous to the day of sale by advertisement in writing to be posted at the door of the city hall of said city and at two other public places within said city limits, and at the expira-

tion of such notice and on the day therein specified the collector shall proceed to sell such property at public auction in front of the door of the city hall of said city. In making sales of real property for taxes the collector shall advertise the same for sale by posting a list of the names of delinquents for thirty days as follows, one copy at the city hall door and one copy at two other public places within said city limits, giving in said advertisement such description as is given to the same on the tax roll in his hands, stating the owner if known, and if unknown saying "unknown," together with the time, place, and terms of sale; said sale to be for cash to the highest and best bidder at public outcry at said city hall door between legal hours on the first Tuesday of the month. The collector of taxes in making sales for taxes due upon real estate shall sell at auction at the time and place appointed so much of said real estate as may be necessary to pay the taxes, interest, and penalties due and all costs accruing thereon, and shall offer said real estate to the bidder who will pay the taxes, interest, and penalties due and costs of sale and execution of deed for the least amount of said real estate, who shall be deemed the highest bidder. Should a less amount of real estate than the whole parcel levied upon be sold for the taxes, interest, and penalties due and all costs of sale and execution and deed, the collector shall in making his deed to the purchaser begin at some corner of said parcel of real estate (or lot or lots) and designate the same as nearly as practicable. No real estate set apart, used, or designated as a homestead shall be sold for taxes other than the taxes due on such homestead, and if any person shall point out to the collector of taxes within thirty days from the time the same shall become due sufficient personal property belonging to him to pay all taxes assessed against him, together with interests, penalties, and costs, the collector shall immediately levy upon and sell such property so pointed out in accordance with the provisions hereinbefore mentioned regulating tax sales of personal property. The collector of taxes shall execute and deliver to the purchaser upon the payment of the amount for which the estate was sold and costs and penalties a deed for the real estate sold, which deed shall vest a good and perfect title in the purchaser if not redeemed in two years as hereinafter provided, and which deed shall state the cause of sale, the amount sold, the price for which the real estate was sold, the name of the person, firm, company, or corporation on whom the demand for taxes was made—provided the name is known, and if unknown saying "unknown"—the same description of the land as given in the tax rolls, and such other description as may be practicable for better identification; and when real estate has been sold he shall convey, subject to the right of redemption hereinafter provided for, all the right and interest which the former owner had therein at the time when the assessment was made. The deed of the collector as hereinbefore provided of any real estate sold shall be prima facie evidence in all controversies and suits in relation to the right of the purchaser, his, her, or their assigns, to the premises thereby conveyed of the following facts:

First—That the land or lot or portions thereof conveyed was subject to taxation or assessment at the time the same was advertised for sale and had been listed in the time and manner required by law.

Second—That the taxes or assessment were not paid at any time before the same.

Third—That the land, lot, or portion thereof conveyed had not been redeemed from the sale at the date of the deed.

And shall be conclusive evidence of the following facts:

1. That the land, lot, or portion thereof sold was advertised for sale in the manner and for the time required by law.

2. That the property was sold for taxes or assessments as stated in the deed.
3. That the grantee in the deed was the purchaser.
4. That the sale was conducted in the manner prescribed by law.

And in all controversies and suits involving the title of land claimed and held under and by virtue of such deed the person or persons claiming adverse to the title conveyed by such deed shall be required to prove in order to defeat the said title either that the land was not subject to taxation at the date of the sale, that the taxes or assessments had been paid, that the land or lots had never been listed and assessed for taxation and assessment as required by this act or some ordinance of the city, or that the same had been redeemed according to the provisions of this act, and that such redemption was made for the use and benefit of the persons having the right of redemption under the law; but no person shall be permitted to question the title acquired by the said deed without first showing that he, she, or they, or the persons under whom he, she, or they claim title to the land at the time of sale, or that the title was obtained after the sale and that all taxes due upon the land have been paid by such person or the persons under whom he claims title as aforesaid: Provided, however, That the owner of such property shall have the right to redeem the same at any time within two years of the day and date of the sale thereof upon paying the purchaser double the amount of taxes for which the same was sold, together with the costs of such sale and the amount of all taxes paid by the purchaser since such sale. The collector shall have full power to levy upon any personal property to satisfy any tax imposed by this act. All taxes shall be a lien upon the property upon which they are assessed, and if taxes are not paid on or before the time prescribed by the ordinances of said city the same shall from such time bear interest at the rate of (8) eight per centum per annum till paid, which interest shall be collected by the collector at the time and in the manner provided herein for the collection of taxes; and in case any property levied upon is about to be removed out of the city the collector shall proceed to take into his possession so much thereof as will pay the taxes assessed and costs of collection. If from any cause the sale of the property levied upon or seized for taxes shall not take place at the time appointed, the collector shall appoint some other time, giving the like notice, and proceed to sell such property in the manner prescribed in the first instance; and in case said property or any part thereof levied upon or seized for taxes cannot be sold on the day advertised such sale may be postponed from day to day until completed, of which postponement the collector shall give verbal notice at the expiration of sale each day. No sale shall be considered complete until the payment of the purchase money, and if the same is not paid before the completion of such tax sales the collector shall resell the property and continue such sale until same is complete. Should the collector of taxes fail to make sale of any real estate or personal property for want of a purchaser he shall bid the same off to the city for taxes, interest, penalties, and all costs accruing thereupon, and thereupon the city shall receive in the corporate name a deed for said property, and shall be vested with the same rights as other purchasers at such sales, and shall have power to sell and convey the same, and one deed shall include all parcels of land or lots bid off to the city in any one day at such tax sale. And after sale and purchase by the city of any real estate it shall not be lawful for said collector to levy upon or advertise or sell the same for any remaining or accrued taxes due thereon until the same shall have been redeemed by the owner or is sold by the city.



**FIRE DEPARTMENT.**

Sec. 31. The city council may organize a fire department, and said department as now organized shall remain until changed by the council, and the city council may by ordinance establish such regulations for the prevention and extinguishment of fires as the said council may deem expedient and generally exercise and enforce all needful measures necessary for this purpose the same as if specific authority was granted, the intention of this section being to clothe the said council with full power to prescribe rules and regulations for the organization, government, and maintenance of said fire department, and for the prevention and extinguishment of fires and to provide the means therefor.

**SANITARY DEPARTMENT.**

Sec. 32. The city council may by ordinance establish rules and regulations for the health of the inhabitants of said city and shall have power generally to adopt and prescribe all measures to prevent disease and pestilence of every nature and to punish any violation of the same by fine and imprisonment or both, and may appoint a health physician and inspector and prescribe their powers, duties, and compensation.

**REMOVAL OF DANGEROUS BUILDINGS.**

Sec. 33. Whenever in the opinion of the city council any building, fence, shed, awning, or any erection of the kind or any part thereof is liable to fall down and endanger persons or property they may order any owner or agent of the same or any owner or occupant of the premises on which such building, shed, awning, or other erection stands or to which it is attached to take down and remove the same or any part thereof within such time as they may direct, and to punish by fine and imprisonment or either any neglect, failure, or refusal to comply therewith. The city council shall in addition have power to remove the same at the expense of the city on account of the owner of the property or premises and assess the expense on the land on which it stood or to which it was attached, and shall by ordinance provide for such assessment, the mode and manner of giving notice, and the means of recovering any such expense.

**WRITS OF MAYOR, ETC.**

Sec. 34. Writs issued by the mayor of said city for offenses against the laws may be executed and the accused person or persons arrested by the marshal or his deputies anywhere within the county of McLennan. Whenever any person has been required by the mayor to give a peace bond or a bond for good behavior or any similar bond under this act, and has complied with such orders and been guilty of a violation or infraction of such bond, and the same is proved or established to the satisfaction of that officer in any trial or complaint, such party so offending may be fined in the sum of two hundred dollars and imprisoned for two months, and the city in its corporate name may sue in any court having jurisdiction for the recovery of the penalty of such bond.

## OFFICIAL PAPER AND PUBLICATION.

Sec. 35. The city council as soon as may be after the commencement of municipal year [may] contract as they may by ordinance or resolution determine with a public newspaper of the city as an official paper thereof and to continue as such until another is elected, and shall cause to be published therein all ordinances, notices, and other matters required by this act or by the ordinances of the city to be published. The city council shall at least ten days before the expiration of the municipal year cause to be published in a city newspaper a correct and full statement of the receipts and expenditures from the date of the last annual report, together with the source from which the funds were derived and showing for what purpose disbursed, the condition of the treasury, together with such information as may be necessary to a full understanding of the financial condition of the city. Every ordinance imposing any penalty, fine, imprisonment, or forfeiture for any violation of any of its provisions shall after the passage thereof be published in every issue of the official paper for ten days, and proof of such publication by the printer or publisher of such newspaper taken before any officer authorized to administer oaths and filed with the secretary or any other competent proof of such publication shall be conclusive evidence of the legal publication and promulgation of such ordinances in all courts. Ordinances passed by the city council and requiring publication shall be in force from and after the publication thereof, unless it be therein otherwise expressly provided. Ordinances not requiring publication shall take effect and be in force from and after their passage, unless it be therein otherwise expressly provided. All ordinances of the city when printed and published by authority of the city council shall be admitted and received in all courts and places without further proof.

## STYLE OF ORDINANCES AND WHEN PUBLISHED ADMISSIBLE IN EVIDENCE.

Sec. 36. The style of all ordinances shall be, "Be it ordained by the city council of the city of Waco;" but it may be omitted when published in the form of a book or pamphlet as a digest, and when printed and published by authority of the city council the same shall be admitted and received in evidence in all courts of this state without further proof whether said publication be by separate ordinance or in the form of a book or pamphlet as a digest.

## FINES, FORFEITURES, ETC.

Sec. 37. All fines, forfeitures, and penalties for the breach or violation of any regulation, order, or ordinance of said city council shall when collected be paid into the treasury for the use and benefit of the city or to the credit of any special fund or for any special purpose directed by ordinance of the city council.

## ELIGIBILITY, RESIGNATION, AND REMOVAL OF OFFICERS, ETC.

Sec. 38. No person other than an elector resident of the city shall be appointed to any office by the city council. Resignation by any officer authorized to be elected or appointed by this act shall be made to the city council in writing subject to their approval and acceptance: Provided, That nothing in this section shall apply to appointments by the mayor. Any such appointee wishing to resign shall present his resignation to that officer in

writing for his action. The city council shall have power to remove any officer for incompetency, corruption, misconduct, or malfeasance in office after due notice and an opportunity to be heard in his defense. In addition to the foregoing power of removal the city council shall have power at any time to remove any officer of the corporation elected by them by resolution declaratory of its want of confidence in said officer: Provided, That two-thirds of the aldermen elected vote in favor of said resolution. Whenever any person shall be removed from any office or the term for which he was elected or appointed has expired or he has resigned or has ceased to act in official capacity, he shall deliver over to his successor all books, papers, moneys, and effects in any way appertaining to his office. Every person violating this provision shall be guilty of a misdemeanor and shall be deemed an offender within the meaning of any law of this state punishing such offenses, and in addition thereto he shall on conviction before the mayor be fined in a sum not exceeding five hundred dollars and imprisoned for any time not exceeding six months or either. Any officer who shall have been intrusted with the collection or custody of funds belonging to said city who shall be in default to said city, besides being liable to criminal prosecution and a civil action for debt, shall thereafter be incapable of holding any office under said city until the amount of his defalcations shall have been fully paid to the city with twelve per cent interest.

#### MEMBERS OF COUNCIL INELIGIBLE TO OTHER OFFICE.

Sec. 39. No member of the city council shall hold any other employment or office under the city government while he is a member of said council unless herein otherwise provided, and no member of the city council or other officer of the corporation shall be directly or indirectly interested in any work, business, or contract the expense, price, or consideration of which is paid from the city treasury or by an assessment levied by an ordinance or resolution of the city council, nor be the surety of any person having a contract, work, or business with said city for the performance of which security may be required, nor be the surety on the official bond of any officer of the city.

#### TO ENFORCE ATTENDANCE OF MEMBERS OF COUNCIL, ETC.

Sec. 40. The city council may adopt such rules and prescribe such penalty as said council may see fit to enforce the attendance of its members at all called and regular meetings of the council or its committees and may adopt rules of order for its own government when in session.

#### TO PRESCRIBE DUTIES OF OFFICERS.

Sec. 41. The city council shall have the power to prescribe the duties of all officers and persons appointed by them or elected to any office or place whatever subject to the provisions of this act; to remit in whole or in part and on such conditions as may be deemed proper by a vote of two-thirds of the members present any fine or penalty belonging to the city which may be imposed or incurred under any ordinance or resolution passed in pursuance thereof.

#### SALARY OF OFFICERS.

Sec. 42. The city council shall on or before the first day of January next preceding each and every election fix the salary of the mayor to be elected

at the next regular election, and shall at the same time establish the compensation or salary to be paid to the officers elected or appointed by the city council, and the compensation or salary so established shall not be changed during the term for which said officers shall be elected or appointed.

#### EXEMPTION FROM COST BOND IN SUIT.

Sec. 43. It shall not be necessary in any action, suit, or proceeding in which the city shall be a party for any bond, undertaking, or security to be executed in behalf of the city; but all such actions, suits, and proceedings shall be conducted in the same manner as if such bond, undertaking, or security had been given, and for all the purposes of such actions, suits, and proceedings the city shall be liable in the same manner and the same extent as if the bond, undertaking, or security in ordinary cases had been duly given and executed. This act shall have the force and effect of a public act, and the courts shall take notice thereof in all proceedings without further proof.

#### CEMETERY LOTS EXEMPT FROM TAXES AND FORCED SALE.

Sec. 44. The cemetery lots which have and may hereafter be laid out and sold to said city for private places for burial purposes shall with their appurtenances be forever exempt from taxes, executions, attachments, or forced sales.

#### RATES OF INTEREST.

Sec. 45. No indebtedness of any character whatever hereafter incurred by said corporation shall draw a higher rate of interest than ten per cent per annum.

#### ORDINANCES, ETC., NOW IN FORCE.

Sec. 46. All ordinances, resolutions, rules, or regulations now in force in said city and not in conflict with this act shall remain in force until altered, amended, or repealed by the city council; and all rights, actions, fines, penalties, and forfeitures in suits and otherwise which have accrued under the laws heretofore in force in said city, shall be vested in and prosecuted by the corporation hereby created, and no suit pending shall be affected by the passage of this act, but the same shall be prosecuted or defended as the case may be by the corporation hereby created. And all property, real, personal, or mixed, belonging to said city is hereby vested in the corporation created by this act, and the officers of said city in office at the date of the passage of this act shall continue in the same until superseded or removed, in conformity with the provisions of this act from and after the time it takes effect.

#### LIABILITY FOR PRESENT AND PAST INDEBTEDNESS.

Sec. 47. The present corporation of said city as it existed up to the date that this act takes effect shall be liable for all just and legal indebtedness of said city contracted before said date: Provided, That territory heretofore withdrawn from said corporation shall be liable for its proportion of said indebtedness contracted before said withdrawal and territory added by this act shall only be liable for its proportion of future indebtedness after the passage of this act and the date of its taking effect. The city council shall have full power to enact by ordinance all rules and regulations for the assessment and collection of taxes to meet said indebtedness and to carry out the provisions of this section.

## CITY CONSTITUTED SCHOOL DISTRICT.

Sec. 48. The corporation created by this act shall be a separate school district upon its compliance with the statutes of this state in such cases, and shall have full power to take charge of, govern, control, and maintain free schools within said city subject to the constitution and laws of this state and in compliance therewith, and until altered, changed, amended, or repealed all rules, resolutions, regulations, and ordinances in reference to said schools now in effect in said city shall remain and have full force and effect over all territory included in the corporation hereby created.

## APPOINTMENT OF OFFICERS.

Sec. 49. The mayor shall have power to nominate and by and with the consent of the board of aldermen to appoint all city officers whose election or appointment is not otherwise provided for in this act, but in case the board of aldermen shall refuse to confirm any appointment the same person shall not again be appointed to the same office; and in case such person shall be exercising the duties of the office at the time of his appointment his functions as an officer shall cease upon his rejection by the council and such office shall ipso facto become vacant.

## TO TAKE EFFECT.

Sec. 50. That this act shall take effect from and after its passage, and all laws in conflict herewith are hereby repealed. It being important that the city of Waco should immediately have the benefit conferred by this act in order to at once exercise the increased powers herein conferred and to extend its authority over the territory added to its corporate limits, an emergency is created that this act take effect and be in force from and after its passage, and it is so enacted; that the constitutional rule requiring all bills to be read on three several days be suspended, and it is so suspended.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 87 yeas, no nays; and passed the senate by a vote of 23 yeas, no nays.]  
Approved, February 19, 1889.

## WILLIAM A. A. WALLACE—ACT FOR RELIEF OF.

Sec. 1. Authorizes the issuance of a land certificate of 1280 acres for his relief.

CHAP. 18.—[H. B. No. 601.] An Act for the relief of William A. A. Wallace and to grant him a certificate for 1280 acres of land.

Section 1. Be it enacted by the Legislature of the State of Texas: That the commissioner of the general land office is hereby authorized and required to issue a donation certificate to William A. A. Wallace for 1280 acres of land: And provided, That said certificate may be located upon any of the vacant public lands of the state, either within or without the several reservations heretofore created by law: And provided further, That all laws and parts of laws in conflict herewith are hereby repealed in so far as they conflict with the provisions of this bill.

And whereas William A. A. Wallace has rendered the state great service and is now in necessitous circumstances, therefore an emergency exists and

an imperative public necessity demands the suspension of the rule requiring bills to be read on three several days, which rule is suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[Note.—The foregoing act originated in the house, and passed the same by a vote of 59 yeas, 22 nays; and passed the senate by a vote of 25 yeas, 2 nays.]

Approved, March 30, 1889.

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THE STATE OF TEXAS,  
DEPARTMENT OF STATE.

I, J. M. Moore, secretary of state of the state of Texas, certify that the foregoing special laws, passed at the regular session of the Twenty-first Legislature, have been carefully examined and compared with the original enrolled bills now on file in this department, and are true copies of said originals.

I further certify that the Twenty-first Legislature convened in the city of Austin January 8, A. D. 1889, and adjourned April 6, A. D. 1889.

In testimony whereof I have subscribed my name, and hereto  
[SEAL.] affixed the seal of the state of Texas, in the city of Austin, May 27,  
1889.

J. M. MOORE,  
Secretary of State.

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*E. M. L.*



